

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 805 of 2024
Kamal Kalai & Ors. Petitioner(s)
Versus
The State of Tripura & Ors. Respondent(s)

For Petitioner(s)	:	Mrs. S. Deb(Gupta), Advocate. Ms. R. Dey, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER

02.04.2025

Heard Mrs. S. Deb(Gupta), learned counsel appearing for the petitioners. Also heard Mr. P. Gautam, learned Sr. G.A, appearing for the respondent-State.

[2] This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

- i. Admit the petition;*
- ii. Call for the records from the custody of the respondents;*
- iii. Issue rule as to why a writ of certiorari shall not be to quash the letter dated 14.06.2024 and to direct the concerned respondent to place the pay of the petitioners at Level 10 (entry scale 57700/- with AGP 6000/-) in terms of the Notification vide No. F.1.(8-38)-DHE/Estt(G)/2019 dated 27.12.2019 and guideline vide No. F. 1.(8-38)-DHE/Estt(G)/2022/3307/(06) dated 09.11.2022.*
- iv. Issue rule as to why a writ of Mandamus shall not be issued directing the Respondents to place the pay of the petitioners at Level 10 (entry scale 57700/- with AGP 6000/-) in terms of the Notification vide No. F.1.(8-38)-DHE/Estt(G)/2019 dated 27.12.2019 and guideline vide No. F.1.(8-38)-DHE/Estt(G)/2022/3307/(06) dated 09.11.2022 from the date of appointment of the petitioners respectively.*
- v. Issue rule as to why a writ of Mandamus shall not be issued directing the Respondents to place the pay of the petitioners at Level 10 (entry scale*

57700/- with AGP 6000/-) from the date of appointment of the petitioners respectively and after fixation release the arrear accordingly; and

vi. After hearing the parties, to make the Rule Absolute in terms of prayers made;

vii. Costs incidental to this proceeding;

viii. Any other relief(s) as to this Hon'ble High Court may deem fit and proper;

[3] The case of the petitioners is that each of them is qualified teachers and as per their qualifications, the appointments which were given to them way back early in the year 2022, they were supposed to be placed at level 10 instead they were considered at level 9A and their pay scale were accordingly shown lesser and they were deprived .

[4] According to them, the said error which has been committed by the respondents, the petitioners herein have filed their representations/objections during the year 2022 and since, the same were not considered, a further communication dated 14.06.2024 was made addressed to The Principal, Tripura Institute of Technology (erstwhile Polytechnic) by the Director, Department of Higher Education, Government of Tripura, the relevant portion of the communication has been quoted herein below:-

".....Sir,

This is about the representation received from Lecturers who joined the post of Lecturer on 2022 with M. Tech/ Ph. D. degree to consider their case of upgrading the existing pay level 9A to the pay level 10 from the date of their joining.

Accordingly, the matter has been placed for consideration.

2) In this regard, this Administrative Department has been requested to place the matter before the next Pay Commission/Committee.

This communication is being circulated in reference to the U.O. No.22/FIN(Estt-II)/Dated 30.04.2024 issued by the Finance Department, Government of Tripura.

3) Under this circumstance, you are requested to serve this communication to all concerned Lecturers serving in your Institution.....”

[5] After perusal of the record and hearing both the parties, the proceeding dated 14.06.2024 which has been issued by the Director, Higher Education Department, Government of Tripura, does not answer the issue that has been raised by the petitioners.

[6] In view of the same, without expressing any opinion on the merits of the case, the matter has been remanded back to the Director, Higher Education Department, Government of Tripura, for examining the grievances of each petitioners and to pass a speaking order. The petitioners shall within 02 weeks from today, file their appropriate applications before the concerned Director enclosing all credentials in support of their claim and on receipt of the same, thereafter, the Director shall pass a speaking order within 03 months in accordance with law.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

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