

HIGH COURT OF TRIPURA
AGARTALA

W.A. No.16 of 2024

Shri Usha Ranjan Debbarma,
S/O- Lt. Rabindra Debbarma,
Resident of Ujan Pathalia, P.S. Bishramganj,
District- Sepahijala, Tripura

..... **Appellant (s)**

V E R S U S

1. The State of Tripura,
represented by the Secretary to the Government of
Tripura, Department of Panchayat, New Secretariat,
P.O. & P.S.-New, Capital Complex, District:-West Tripura, 799010.

2. Director of Panchayat,
Government of Tripura, P.N. Complex,
Gurkhabasti, P.O.-Kunjaban, District:-West Tripura, 799006.

3. Shri Sukurai Debbarma,
S/O- Shri Sukramani Debbarma, Resident of
Joyram Modi Para, P.O.-Lefunga, Mohanpur, West Tripura.

4. Milan Chandra Tripura,
S/O-Late Shyampada Tripura, Resident of Vill.-Pachim Taka Tulshi,
P.O.-Taka Tulshi, Sabroom, Sabroom, South Tripura.

5. Radhakrishna Debbarma,
Hazamara, R.D Block, P.O.-Hazamara,
Hazamara, West Tripura.

6. Dipankar Debbarma,
S/O.-Late Kanti Ranjan Debbarma, Vill. & P.O.-
Jampuijala, Jampuijala, West Tripura.

7. Surajit Debbarma,
S/O-Shri Harinath Debbarma, Vill. & P.O.-Sutar Mura,
Bishalgarh, Shipahijala, Tripura

8. Malin Debbarma,
Mandai, R.D Block, P.O.-Mandai, Mandai, West
Tripura.

----Respondent(s)

For the Appellant(s)	:	Mr. B.N. Majumder, Sr. Adv. Mr. S. Sarkar, Adv. Mr. A. Dasgupta, Adv.
For the Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.
Date of hearing	:	11.02.2026
Date of delivery of Judgment & Order	:	17.02.2026
Whether fit for reporting	:	Yes

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER

(Dr. T. Amarnath Goud, J)

The present writ appeal has been filed under Chapter-VIII, Rule-B(A) of the High Court of Tripura Rules, 2023 read with Article-226 of the Constitution of India against the judgment and order dated 28.06.2023 passed in WP(C) No.11 of 2022 by the learned Single Judge.

2. The case of the writ petitioner, the appellant herein, in brief is that initially he was appointed as a Panchayet Secretary on a fixed-pay basis on 21.07.2003 and subsequently, he was absorbed permanently in the year 2008. The petitioner applied for a 'No Objection' certificate in the year 2010 for appearing in the Secondary Examination (Madhyamik) conducted by the National Open School and accordingly, the 'No Objection' certificate was issued by the Director of Panchayats, Government of Tripura in favour of him on 08.11.2010 [Annexure-2 to the writ petition] and after successfully passed the Madhyamik Examination, the writ petitioner again approached the Block Development Officer (BDO), Jampuijala R.D. Block for recording his Madhyamik Pass qualification in his service book and accordingly, the BDO, Jampuijala R.D. Block forwarded the said prayer to the Director of Panchayet, the respondent No.2 herein, vide communication dated 26.08.2011 [Annexure-3 to the writ petition]. Thereafter, in the year 2013, the again the writ petitioner applied for 'No Objection Certificate' for appearing in the Senior Secondary Examination from National Institute of Open School

and accordingly, No Objection certificate was issued on 01.03.2013 [Annexure-4 to the writ petition] and after successfully passed the said examination, he also made a similar prayer for recording the said qualification before the Director of Panchayet through proper channel.

3. On 23.03.2016, the Director of Panchayet, Government of Tripura published a draft seniority list in which the petitioner was erroneously placed at Serial No. 950 and showing him as 'Madhyamik plucked'. Upon detecting the said error, the writ petitioner submitted a representation to respondent No.2 on 14.07.2016, requesting for correction of his educational qualifications. However, till date no final seniority list has been published.

4. In terms of the draft seniority list, the writ petitioner alleged that Sri Sanjit Debbarma, Shri Radhakrishna Debbarma, Shri Milan Chandra Tripura and Shri Sukurai Debbarma were shown as juniors while Sri Dipankar Debbarma, Sri Malin Debbarma and Sri Surajit Debbarma, who were Madhyamik plucked, were shown as his senior. The Director of Panchayet vide order dated 06.01.2017 issued an order of promotion of 94 persons to the post of Supervisor (Panchayat) in the Pay Band-2 of Rs.5700-24000/- with Grade Pay of Rs.2800/-, but in the said promotion order, the appellant's name was excluded for the said promotion list.

5. Thereafter, the writ petitioner submitted a representation dated 04.03.2017 [Annexure-9 to the writ petition] to the Director of Panchayat, Government of Tripura, praying for promotion to the said post of Supervisor. However, no reply came from their end. Again, the writ petitioner submitted a subsequent representation dated 17.06.2021 to the

Director of Panchayet seeking equal treatment but this also remained pending.

6. According to the appellant, in view of the notification of the Education (Higher) Department, Government of Tripura took a policy that the certificate obtained from off-campus study centre other than the State Private Universities/Deemed Universities would not be treated as valid for any service benefits w.e.f. 10.07.2013. The said policy was clarified by the Tripura Board of Secondary Education vide notification dated 03.08.2016. The writ petitioner states that as per the recruitment rules, the post of Auditor would be filled up 50% from the employees having 5 years experience in the post of Panchayat Secretary having 10 years experience with educational qualification as Matriculate. He also states that despite sufficient vacancies in the post of Auditor, only 8 Nos. of graduate and 2 Nos. of Madhyamik pass employees were promoted by the promotion order of 2017. Subsequently, a new draft seniority list was again published on 04.08.2021 [Annexure-11 to the writ petition].

7. Being aggrieved and dissatisfied with order of promotion dated 06.01.2017, the writ petitioner had filed the writ petition being W.P.(C) No.11 of 2022 seeking promotion to the post of Supervisor (Panchayat/Auditor) w.e.f. 06.01.2017. The writ petitioner also sought for extension of all consequential service benefits including arrears from the date of said promotion order. Accordingly, on 28.06.2023, the learned Single Judge allowed the said writ petition observing as under:

In such circumstances, in order to remedy the injustice caused to the petitioner, the respondent No.2, the Director of Panchayat, Government of Tripura, is directed to examine the case of the petitioner in the background of the admitted facts and restore his seniority to the correct place in the draft seniority list published on

14.07.2016 if the petitioner was left out of the seniority list without any fault of his. Since the respondents-State have taken a plea that all the vacancies were filled up in the promotional exercise held on 27.12.2016 vide notification dated 06.01.2017 from the undergraduate quota to which the petitioner belongs, the respondents would consider the case of the petitioner for promotion from the due date by creating a supernumerary post. The petitioner, if found fit and eligible on all aspects, shall be conferred promotion with effect from the date of notification, i.e. 06.01.2017 with consequential seniority. However, the petitioner shall be entitled to salary in the promotional post from the date on which he actually joins the post.

Needless to say, on promotion of the petitioner to the next higher post against the available vacancy in his quota, the supernumerary post shall cease to exist thereafter.

8. Being aggrieved and dissatisfied with the said Judgment and Order dated 28.06.2023 passed in WP(C) No.11 of 2022, the writ petitioner preferred this instant appeal.

9. Mr. B.N. Majumder, learned senior counsel appearing for the writ petitioner-appellant submits that during his period of service, the writ petitioner-appellant passed the Madhyamik examination as well as Senior Secondary examination after obtaining the necessary no objection certificate from the concerned department but in spite of his prayers, his qualifications were not recorded in the service book. Consequently, he was shown in a lower category and his juniors were shown in the higher position in the draft seniority list. Since his qualifications were not recorded in the service book, he was not considered for promotion to the post of Supervisor (Panchayat). Thereafter, the writ petitioner-appellant submitted the representations dated 04.03.2017 and 17.06.2021 to the respondent No.2 seeking promotion to the post of Supervisor/Auditor. Mr. Majumder, learned senior counsel further submits that by the memorandum dated 04.08.2021, the writ petitioner-appellant's educational qualification shown as SSSE passed but nothing has been changed in the seniority list. Learned senior counsel also submits that the writ petitioner-

appellant was not at fault to intimate the appropriate authority regarding recording his educational qualifications.

10. To buttress his contention, Mr. Majumder, learned senior counsel relies on a decision of the Hon'ble Supreme Court in the case of **K. Samba Moorthy vs. Sanjiv Chadha**, reported in **2025 STPL 1246**.

11. From the other side, Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents, submits that the issues which are now challenged in this appeal, already discussed and decided by the learned Single Judge while passing the judgment dated 28.06.2023 in W.P(C) No.11 of 2022. Mr. Debbarma, learned Addl. G.A. further submits that in compliance of the said judgment of the learned Single Judge, the Director of Panchayet, Government of Tripura, issued an order dated 20.12.2023, directing that the writ petitioner shall be conferred promotion for the post of Supervisor (Panchayets) (Group-C, Non-Gazetted) with effect from the date of notification i.e. 06.01.2017 with consequential seniority and the writ petitioner-appellant shall be entitled to salary in promotional post from the date on which he actually joins the post. The writ petitioner-appellant gladly accepted the said order of promotion and joined to the said post of Supervisor (Panchayat) without filing any objection. Therefore, Mr. Debbarma, learned Addl. G.A. submits that this writ appeal is not maintainable and accordingly, he prays for dismissal of the same.

12. We have carefully considered the submissions of the learned counsel appearing for the parties and also meticulously gone through the records. It appears from the records that the writ petitioner-appellant

submitted a representation to the Director of Panchayats on 14.07.2016 seeking incorporation of his secondary and senior secondary qualifications in the draft seniority list. However, the said draft seniority list had been published by the Director of Panchayats, Government of Tripura vide memorandum on 23.03.2016, well before of his submission of representation. The writ petitioner-appellant even did not file any subsequent objection against the draft seniority list. The writ petitioner-appellant has joined the said post of Supervisor (Panchayat) in the year 2023 after passing of the judgment of the learned Single Judge. He did not even file any objection against the said draft seniority list and the promotional order to the post of Supervisor (Panchayet). The writ petitioner-appellant has also failed to establish sufficient grounds for seeking further relief against the judgment of learned Single Judge. More so, the decision of Hon'ble Supreme Court of **K. Samba Moorthy** (supra) as relied upon by Mr. Majumder, learned senior counsel appearing for the writ petitioner-appellant is not applicable in the present case in hand.

13. In view of the above, we find no merit in this appeal and accordingly it is dismissed. The writ petitioner-appellant has no legitimate claim for retrospective pay and allowances based on the principle of 'no work no pay.' Since the writ petitioner-appellant did not perform the duties of the promotional post until 2023, he is entitled to financial benefits only from the date of his joining to the post of Supervisor (Panchayat).

Pending application(s), if any, also stands disposed of.

S. DATTA PURKAYASTHA, J

DR.T. AMARNATH GOUD, J

Sujay

SUJAY GHOSH

Digitally signed by SUJAY GHOSH
Date: 2026.02.17 17:05:17 +05'30'