

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.265 of 2022

- 1. Sri Chira Kumar Jamatia,**
Son of Dinesh Kumar Jamatia, resident of Village of Trishabari, P.O. Moharchara, District Khowai Tripura, aged about 42 years.
- 2. Sri Arup Dey,**
Son of Late Amulya Dey, resident of Village of Ratiabari, P.O. Ratiabari, Sub-Division Kumarghat, District-Unakoti Tripura, aged about 34 years.
- 3. Sri Rupak Chakraborty,**
Son of Late Himangshu Chakraborty, resident of village Sovapur, P.O. Rabindra Nagar, Sub-Division Sonamura, District Sepahijala Tripura, aged about 39 years.
- 4. Smt. Moutusi Marak,**
Daughter of Late Binoy Marak, wife of Sri Shyamal Sarma, resident of Village Thakur Palli, PO Kulai Bazaar, PS Ambassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799204, aged about 40 years.
- 5. Sri Sujit Ghosh,**
Son of Sri Narayan Chandra Ghosh, resident of Village Chintaram Kobra Para, PO Champaknagar, PS Champaknagar, Sub-Division Jirania, District West Tripura, PIN 799045, aged about 42 years.
- 6. Sri Prabin Kumar Reang,**
Son of Sri Mukti Ram Reang, resident of village Subhash Nagar, PO Anandabazar, PS Kanchanpur, Sub-Division Kanchanpur, District North Tripura, PIN 799271, aged about 36 years.
- 7. Smt. Annapurna Debnath,**
Daughter of Late Makhan Debnath, wife of Sri Dilip Bhattacharjee, resident of village Bhowliabasti, PO & PS Ambassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799289, aged about 39 years.
- 8. Smt. Sipra Paul,**
Wife of Sri Kanailal Das, resident of village TRTC Para, PO & PS Amabassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799289, aged about 47 years.
- 9. Sri Sukanta Bikash Barua,**
Son of Late Bimal Kanti Barua, resident of village Kanchanpur, PO & PS Kanchanpur, Sub-Division Kanchanpur, District North Tripura, PIN 799270, aged about 45 years.

10. Sri Subendu Nath,

Son of Sailesh Nath, resident of village Saraspur, PO & PS Kadamtala, Sub-Division Dharmanagar, District North Tripura, PIN 799261, aged about 40 years.

11. Sri Tapash Dhar,

Son of Babul Chandra Dhar, resident of village Mirza, PO Upendranagar, PS Kakraban, Sub-Division Udaipur, District Gomati Tripura, PIN 799105, aged about 40 years.

12. Sri Rajesh Debnath,

Son of Late Jitendra Debnath, resident of village Kathalia, PO Kathalia, PS Jatrapur, Sub-Division Sonamura, District Sepahijala Tripura, PIN 799132, aged about 38 years.

13. Sri Khokan Chandra Karmakar,

Son of Late Manmohan Karmakar, resident of village & PO East Nalchar, PS Melaghar, Sub-Division Sonamura, District Sepahijala Tripura, PIN 799115, aged about 52 years.

14. Sri Parimal Chandra Das,

Son of Late Subal Krishna Das, resident of Village & PO Bordowal, PS Sonamura, Sub-Division Sonamura, District Sepahijala Tripura, PIN 799115, aged about 54 years.

..... **Petitioner(s)**

- V e r s u s -

1. The State of Tripura,

Represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub Division Sadar, District West Tripura.

2. The Commissioner & Secretary,

Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

3. The Commissioner & Secretary,

Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

4. The Director,

Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

5. **The State Project Director,**
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan),
having its office at Shiksha Bhawan, Office Lane, P.O.
Agartala, P.S. West Agartala, District West Tripura.
6. **The District Project Coordinator,**
Sarva Shiksha Abhiyan, South Tripura, having his office at
Belonia, P.O. Belonia, P.S. Belonia, District South Tripura.
7. **The District Project Coordinator,**
Sarva Shiksha Abhiyan, Gomati Tripura, having his office at
Udaipur, P.O. Udaipur, P.S. R.K. Pur, District Gomati Tripura.

..... Respondent(s)

WP(C) No.268 of 2022

1. **Sri Chayan Kanti Datta,**
Son of Kamal Datta, Village of Birchandra Nagar, P.O.
Takmachara, Santir Bazar, District South Tripura, aged about
43 years.
2. **Sri Bhulu Sarkar,**
Son of Late Monoranjan Sarkar, Village of Amarpur Town,
Near West Bank of Amarsagar, District Gomati Tripura, aged
about 37 years.
3. **Sri Kamalesh Datta,**
Son of Kajal Datta, Village of Chanban (Sukanta Palli),
Udaipur, District Gomati Tripura, aged about 41 years.
4. **Sri Abhijit Dey,**
Son of Late Nitai Charan Dey, Village of Sonamura, P.O + P.S.
R.K. Pur, Udaipur, District Gomati Tripura, aged about 43
years.
5. **Sri Ajoy Bal,**
Son of Haradhan Bal, Village of South Chandrapur, Udaipur,
P.O. South Chandrapur, District Gomati Tripura, aged about
39 years.

..... Petitioner(s)

- V e r s u s -

1. **The State of Tripura,**
Represented by the Commissioner & Secretary, Education
Department, Government of Tripura, having his office at New
Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS
New Capital Complex, Sub Division Sadar, District West
Tripura.
2. **The Commissioner & Secretary,**
Education Department, Government of Tripura, having his
office at New Secretariat Complex, Gurkhabasti, Agartala, PO

Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

3. The Commissioner & Secretary,

Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

4. The Director,

Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

5. The State Project Director,

Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

6. The District Project Coordinator,

Sarva Shiksha Abhiyan, South Tripura, having his office at Belonia, P.O. Belonia, P.S. Belonia, District South Tripura.

7. The District Project Coordinator,

Sarva Shiksha Abhiyan, Gomati Tripura, having his office at Udaipur, P.O. Udaipur, P.S. R.K. Pur, District Gomati Tripura.

..... Respondent(s)

WP(C) No.378 of 2022

1. Smti Hiramati Debbarma,

Wife of Sri Mithun Debbarma, resident of Village of Bisharat Chow Para, P.O. Samatal Padmabill, District Khowai Tripura.

2. Sri Anitya Kumar Jamatia,

Son of Late Jitendra Kumar Jamatia, resident of Village of Sambhu Das Para, P.O. Baramaidan, PS Khowai, District Khowai Tripura.

..... Petitioner(s)

- V e r s u s -

1. The State of Tripura,

Represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub Division Sadar, District West Tripura.

2. The Commissioner & Secretary,

Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

3. The Commissioner & Secretary,

Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

4. The Director,

Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

5. The State Project Director,

Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

..... Respondent(s)

WP(C) No.650 of 2022

Sri Hiramoy Das,

Son of Lt. Sona Chand Das, resident of village Panisagar, P.O. Panisagar, Sub-Division Panisagar, District North Tripura, PIN 799260, aged about 46 years.

.....Petitioner(s)

- V e r s u s -

1. The State of Tripura,

Represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub Division Sadar, District West Tripura.

2. The Commissioner & Secretary,

Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

3. The Commissioner & Secretary,

Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

4. The Director,

Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.

5. **The State Project Director,**
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan),
having its office at Shiksha Bhawan, Office Lane, P.O.
Agartala, P.S. West Agartala, District West Tripura.
6. **The District Project Coordinator,**
Sarva Shiksha Abhiyan, Panisagar and Kadamtala Block,
having his office at Dharmanagar, P.O. Panisagar, P.S.
Panisagar, District North Tripura.

.....Respondent(s)

WP(C) No.810 of 2022

1. **Sri Rajib Kr. Saha,**
Son of Late Mukti Ranjan Saha, resident of village Dhaleswar,
S.K.B. Lane (Mali Para), P.O. Dhaleswar, District West
Tripura, Agartala, aged about 38 years.
2. **Sri Bikram Das,**
Son of Late Kalidhan Das, resident of village Rajar Bag, P.O.
R.K. Pur, Udaipur, District Gomati Tripura, aged about 41
years.
3. **Sri Dilip Debnath,**
Son of Late Rathindra Debnath, resident of village Birchandra
Nagar, P.O. Takma Chara, Santir Bazar, District South
Tripura, aged about 43 years.
4. **Sri Shyamali Majumdar,**
Wife of Raju Sukla Das, resident of village Ampinagar,
Amarpur, District Gomati Tripura, aged about 39 years.
5. **Sri Sushanta Das,**
Son of Ratan Kr. Das, resident of village Birchandra Nagar,
P.O. Takma Chara, Santir Bazar, District South Tripura, aged
about 45 years.

..... Petitioner(s)

- V e r s u s -

1. **The State of Tripura,**
Represented by the Commissioner & Secretary, Education
Department, Government of Tripura, having his office at New
Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS
New Capital Complex, Sub Division Sadar, District West
Tripura.
2. **The Commissioner & Secretary,**
Education Department, Government of Tripura, having his
office at New Secretariat Complex, Gurkhabasti, Agartala, PO
Kunjaban, PS New Capital Complex, Sub-Division Sadar,
District West Tripura.

- 3. The Commissioner & Secretary,**
Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 4. The Director,**
Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.
- 5. The State Project Director,**
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.
- 6. The District Project Coordinator,**
Sarva Shiksha Abhiyan, South Tripura, having his office at Belonia, P.O. Belonia, P.S. Belonia, District South Tripura.
- 7. The District Project Coordinator,**
Sarva Shiksha Abhiyan, Gomati Tripura, having his office at Udaipur, P.O. Udaipur, P.S. R.K. Pur, District Gomati Tripura.

..... Respondent(s)

WP(C) No.831 of 2022

- 1. Sri Uttam Kumar Das,**
Son of Umesh Das, Village of Chellagong, P.O. Chellagong, P.S. Nutan Bazar Karbok, District Gomati Tripura, aged about 41 years.
- 2. Sri Liton Das,**
Son of Santosh Das, Village of West Bank of Amarsagar, P.O. R.K. Pur, P.S. R.K. Pur, District Gomati Tripura, aged about 38 years.
- 3. Sri Janardhan Das,**
Son of Shri Pushpajit Das, resident of Village Rangamati, P.O. Rangamati, Sub-Division Amarpur, Gomati, Tripura, aged about 43 years.

..... Petitioner(s)

- V e r s u s -

- 1. The State of Tripura,**
Represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub Division Sadar, District West Tripura.

- 2. The Commissioner & Secretary,**
Education Department, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 3. The Commissioner & Secretary,**
Department of Finance, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 4. The Director,**
Department of Elementary Education, Government of Tripura, having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.
- 5. The State Project Director,**
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having its office at Shiksha Bhawan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura.
- 6. The District Project Coordinator,**
Sarva Shiksha Abhiyan, South Tripura, having his office at Belonia, P.O. Belonia, P.S. Belonia, District South Tripura.
- 7. The District Project Coordinator,**
Sarva Shiksha Abhiyan, Gomati Tripura, having his office at Udaipur, P.O. Udaipur, P.S. R.K. Pur, District Gomati Tripura.

..... Respondent(s)

For the Petitioner(s) : Mr. Somik Deb, Senior Advocate.
Mr. J. Samed, Advocate.

For the Respondent(s) : Mr. S.M. Chakraborty, Advocate General.
Mrs. P. Chakraborty, Advocate.

Date of hearing
and delivery of
Judgment & order : **2nd April, 2026**

Whether fit for reporting:

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Common questions of facts and issues being involved in all the six writ petitions, same are heard together and are being disposed of by this common judgment.

[2] The petitioners of WP(C) No.265 of 2022, WP(C) No.378 of 2022, WP(C) No.650 of 2022 and WP(C) No.831 of 2022 were initially engaged on contract basis, either as Primary or Upper Primary teachers under Sarva Shiksha Abhiyan (for short- SSA) whereas the petitioners of WP(C) No.268 of 2022 were engaged as Block Resource Persons and the petitioners of WP(C) No.810 of 2022 were engaged as Cluster Resource Persons under SSA. All the petitioners were engaged under SSA from the year 2004 till 02.06.2015. Thereafter, all the candidates successfully qualified the STPGT/STGT/Teacher Eligibility Test (TET) examination conducted by Teachers' Recruitment Board Tripura (for short TRBT) and, having been offered with appointments as under graduate, graduate, or post graduate teachers, respectively, they joined to their said subsequent posts. The names of the petitioners, date of their initial appointment in SSA and date of their joining to the subsequent posts are indicated in a tabular chart below:

Sl. No.	Name of Petitioners	Date of joining under SSA	Date of joining as GT/PGT/UGT	NOC obtained	Remarks
1.	Chira Kumar Jamatia	20.02.2004 (Contract teacher, Upper primary)	GT on 17.01.2020	Yes	
2.	Arup Dey	30.03.2010 (Contract teacher, Upper primary)	GT on 02.04.2020	Yes	
3.	Rupak Chakraborty	09.02.2004 (Contract teacher, Upper primary)	GT on 20.10.2017	Yes	
4.	Moutusi Marak	06.01.2011 (Contract teacher, Upper primary)	GT on 30.06.2017	Yes	
5.	Sujit Ghosh	01.02.2010 (Contract teacher, Upper primary)	GT on 02.04.2020	Yes	
6.	Prabin Kr. Reang	17.03.2011 (Contract teacher, Upper primary) [No supporting	GT on 04.11.2019	Yes	

		document submitted]			
7.	Annapurna Debnath	25.01.2011 (Contract teacher, Upper primary)	GT on 20.10.2017	Yes	
8.	Sipra Paul	30.01.2010 (Contract teacher, Upper primary)	GT on 24.10.2017	Yes	
9.	Sukanta Bikash Barua	06.09.2007 (Contract teacher, Upper primary)	UGT on 11.01.2018	Yes	
10.	Subendu Nath	23.12.2009 (Contract teacher, Upper primary)	UGT on 20.10.2017	Yes	
11.	Tapash Dhar	31.03.2010 (Contract teacher, Upper primary)	GT on 24.10.2017	Yes	
12.	Rajesh Debnath	01.02.2010 (Contract teacher, Primary school)	GT on 30.06.2017	Yes	
13.	Khokan Chandra Karmakar	17.11.2008 (Contract teacher, Upper primary)	UGT on 16.11.2017	Yes	
14.	Parimal Chandra Das	01.04.2008 (Contract teacher, Upper primary)	GT on 20.10.2017	Yes	
15.	Chayan Kanti Datta	19.05.2012	PGT on 22.12.2017	Yes	All the petitioner initially joined as Block Resource Person (BRP) on contract basis under SSA
16.	Bhulu Sarkar	19.05.2012	GT on 24.10.2017	Yes	
17.	Kamalesh Datta	19.05.2012	PGT on 17.05.2017	Yes	
18.	Abhijit Dey	19.05.2012	PGT on 20.10.2017	Yes	
19.	Ajoy Bal	14.05.2005	PGT on 20.10.2017	Yes	
20.	Hiramati Debbarma	17.06.2009 (Contract teacher, Upper primary)	PGT on 25.02.2019	Yes	
21.	Anitya Kumar Jamatia	27.12.2010 (Contract teacher, Upper primary)	PGT on 17.05.2017	-	No supporting document submitted
22.	Hiramoy Das	23.12.2009 (Contract teacher, Upper primary)	GT on 20.10.2017	Yes	
23.	Rajib Kr. Saha	02.06.2015	GT on 24.10.2017	Yes	All the petitioner joined as Cluster Resource Person (CRP) on contract basis under SSA
24.	Bikram Das	19.05.2012	GT on 30.06.2017	Yes	
25.	Dilip Debnath	19.05.2012	GT on 24.10.2017	Yes	
26.	Shyamali Majumder	15.05.2015	GT on 17.05.2017	Yes	
27.	Sushanta Das	28.05.2015	GT on 20.10.2017	Yes	
28.	Uttam Kumar Das	31.03.2010 (Contract teacher, Upper primary)	GT on 30.06.2017	Yes	
29.	Liton Das	29.01.2010 (Contract teacher, Upper primary)	GT on 24.10.2017	Yes	
30.	Janardhan Das	22.11.2007 (Contract teacher, Upper primary)	GT on 24.10.2017	-	No supporting document submitted

[3] It is admitted position that all the petitioners of all the above said writ petitions were engaged on temporary basis on fixed pay in SSA. Thereafter, taking no-objection from their Department, they appeared in the subsequent selection process and being successful in said recruitment process, they submitted their technical resignations and then after being released from their posts in SSA, they joined to their respective new assignments. However, it appears from the above said chart that some of them did not complete five years tenure on fixed pay in SSA.

[4] Now, it is the common grievance of all the petitioners, as revealed from the submissions of Mr. Somik Deb, learned senior counsel, that after joining the regular service on their subsequent appointments, they are again placed on the fixed pay regime for another five years. Thus, they have filed the present writ petitions for a direction to the respondents to give them the benefit of regular pay scale on completion of their 5(five) years of service as SSA teacher and also regular pay scale along with arrears in their new assignments from the respective dates of their initial appointment. In addition to regularization in service, the petitioners have also prayed for providing them all other admissible benefits viz. counting their past service for the purpose of pension, gratuity, leave encashment and all other service benefits. The reliefs as sought for by the petitioners in WP(C) No.265 of 2022, which is being treated as the lead case, are reproduced hereunder:

i) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Certiorari and/or in the nature thereof, for directing the respondents, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioners;*

ii) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the respondents, to forthwith accord the benefit of regularization of service, from the respective dates of their initial appointments, and thereupon grant regular pay scale, along with the arrears thereof, and all other admissible benefits, count their past services, for the purpose of pension, gratuity, leave encashment and all other benefits, etc. in favour of the petitioners;*

iii) *Call for the records appertaining to this petition;*

iv) *Costs of and incidental to this proceeding;*

v) *After hearing the parties, be pleased to make the Rule Absolute in terms of ii above.*

vi) *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.*

[5] During the course of argument, Mr. Somik Deb, learned senior counsel submits that after completion of their 5(five) years of service in SSA, the petitioners became entitled to get regular pay scale in terms of a previous judgment of Division Bench of this Court in **WP(C) No. 329 of 2015 [Shri Sajal Deb vs. the State of Tripura and others]** decided analogously with **WP(C) No.212 of 2016 [Sri Manoj Kr. Debbarma vs. the State of Tripura and others]** and just for migration to another Department, their right accrued for such regularization cannot be taken away by the respondents and therefore, they all are entitled to get benefit of past services as they applied for the post under subsequent appointments after taking necessary permission from their previous

employer and also joined in the subsequent appointment after submitting required technical resignation. Moreover, all the petitioners after completion of their 5(five) years of service in SSA, joined to their new posts. Learned senior counsel further submits that the issue involved in the present batch of writ petitions is already settled by this Court in case of ***Mani Kanchan Ghosh vs. the State of Tripura and others [WP(C) No.52 of 2022 decided analogously with eighteen other writ petitions on 05.11.2025]*** and in the similar line, the present writ petitions may also be disposed of. Regarding the petitioners who did not complete 5(five) years of service on fixed pay basis in SSA, learned senior counsel submits that a scope may be given to them to submit necessary representation to the appropriate authority in this regard by adding certain new grounds with respective materials in support of their such claim, reserving liberty to them to approach the Court again, if so required.

[6] Mr. S.M. Chakraborty, learned Advocate General, on the other hand, submits that the petitioners are selected by Teachers' Recruitment Board, Tripura (for short TRBT) and they are now employee of the State Government and not employed further under any scheme like SSA and therefore, the benefits accrued under ***Sajal Deb's case*** cannot be applied in their cases, for, they are no longer in service under any such scheme. Learned Advocate General also submits that after the new appointments of the

petitioners, there are now sea changes in between the two employments and that prior to the pronouncement of judgment of **Sajal Deb's case** on 23.02.2021, all the petitioners already joined to their new posts. Learned Advocate General also contends that said judgment of **Sajal Deb** was to be implemented only through a scheme framed by the State Government and when the scheme was formulated by the State Government, all the petitioners already joined in their subsequent employment and there was no direction in **Sajal Deb's case** that such benefits should have to be extended to other persons who had already left their employment in SSA.

[7] Learned Advocate General also argues that past service under Rule 26(2) of CCS (Pension) Rules, 1972 can only be counted when the pension Rules are applicable in both the jobs, and not otherwise. The last point as raised by learned Advocate General is that all the petitioners consciously accepted the terms and conditions of their subsequent appointments and therefore, they cannot deviate from it now.

[8] This Court has given due consideration to the submissions of both sides and the materials placed in the record. It appears that the issues involved in this writ petitions are already covered by the decision of this Court in the case of **Mani Kanchan Ghosh** which is relied on by Mr. Somik Deb, learned senior counsel. In said case also, the writ petitioners were initially

engaged as contract teachers under SSA from 2004 to 2012, subsequently they qualified the TET examination and joined as under graduate or graduate or post graduate teachers under Education Department. It was the claim of those writ petitioners that as per the judgment passed by this Court in said ***Sajal Deb's case***, they were entitled to get regular pay scale on completion of 5 (five) years of their services as SSA teachers with notional fixation till the date of the said judgment i.e. upto 23.02.2021 and thereafter they would be entitled to get actual financial benefits. The objections raised from the side of State respondents in the present cases were also similarly raised in those writ petitions. Finally Court after examining the matter thoroughly, decided the issues in the following manner:

"[20]In view of above said factual background and some sort of distinctions with the facts of *Tarendra Reang's case*, the matter is now required to be viewed from a different angel. When a person becomes entitled to a regular pay scale after serving on fixed pay for continuous 05 years (though on contract basis), just because he enters in a subsequent job under the same Government, will it be justified for the State to put him again within the region of fixed pay or consolidate pay, only because he has accepted the offer of appointment containing such term of payment of salary on fixed pay basis, especially when his appointment is against a sanctioned post and he has been appointed through due selection process. Already the State has kept the SSA teachers like the petitioners under fixed pay term for initial five years. Putting these persons again on fixed pay regime would certainly be unreasonable, harsh and exploitative and therefore arbitrary in nature, more particularly when they have been appointed against sanctioned posts through due selection process and they also possess requisite qualifications and are discharging similar duties like other regular employees.

[21] In *State of Punjab v. Jagjit Singh*, (2017) 1 SCC 148, Hon'ble Supreme Court observes that it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities. Certainly not, in a welfare State. Such an action besides being demeaning, strikes at the very foundation of human dignity. Anyone, who is compelled to work at a lesser wage does not do so voluntarily. He does so to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows that his dependants would suffer immensely, if he does not accept the lesser wage. Any act of paying less wages as compared to others similarly situated constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.

[22] Even, Rule 26 of CCS (Pension) Rules, 1972 also protects the past service of a Govt. employee on resignation in the following manner when such resignation is merely a technical resignation to join a new appointment-

26. Forfeiture of service on resignation-

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) Interruption in service in a case falling under sub-rule (2) due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period of intervening between the date on which the resignation became effective and the date from which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or including or a composition or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

[23] Though learned Advocate General argues that the entire judgment of *Sajal Deb's case* has to be implemented only through a scheme and when the scheme was framed by the State, already the petitioners had left for their new job, but such submission cannot be accepted for the reason that such direction to frame the scheme in said case, was only for the purpose of regularization of SSA teachers as contained in paragraph no.54 of the said judgment and not regarding granting of regular pay scale to them. Learned Advocate General also raises the point that there was no direction in the said judgment for giving benefit of past service in case any SSA teacher subsequently joins to another service. Such submission is also not acceptable as there was no such issue raised in that case [*Sajal Deb's case*]. In the instant cases, the past services of the present petitioners are being taken into consideration only for the purpose of examining whether the State can be allowed to put a person again and again in the fixed pay regime just because he has chosen, as per his own estimation, a better employment subsequently.

[24] When a person has been appointed against a sanctioned post through a due selection process and the person so appointed possesses requisite qualification for the same and is also discharging similar duties like other regular employee, there is no reason to deny him the fruit of his labour by paying him less amount of remuneration, more particularly when he has already gone through such cost cutting phase introduced by the government for continuous 05 years under sufferance getting less salary in his previous employment. Putting him again under fixed pay regime will not only be irrational but also exploitative and arbitrary. Therefore, all the petitioners are entitled to get regular pay scale in the present employment with all ancillary benefits attached with that scale.

[25] Though, it is argued from the side of respondents that the petitioners have consciously accepted the terms and conditions of their new appointments including the condition of remaining on fixed pay for further five years and therefore, they cannot grieve against it. In the regard, it is to be kept in mind that in the era of serious unemployment issue and scarcity of government jobs, the unemployed people are in a position of unequal bargaining power with the State. For collecting minimum basic needs for him and his dependents, an employment seeker has no option but to accept such terms unless there is any other better alternative available to him. In *Jagjit Singh's case* also, Hon'ble Supreme Court took note of that situation and expressed that such a person does so to provide food and shelter to his family, at the cost of his self-respect and dignity.

[26] Even, earlier long ago, Hon'ble Apex Court in case of *Central Inland Water Transport Corporation Limited and another vs. Brojo Nath Ganguly and another, (1986) 3 SCC 156* held that in case of unequal bargaining power, court should strike down an unfair and unreasonable contract. The relevant paragraph No.89 of the said decision is also extracted hereunder:

"89.....The principle is that the courts will not enforce and will, when called up to do so, strike down an unfair and unreasonable contract, or an unfair and unreasonable clause in a contract, entered into between parties who are not equal in bargaining power. It is difficult to give an exhaustive list of all bargains of this type. No court can visualize the different situations which can arise in the affairs of men. One can only attempt to give some illustrations. For instance, the above principle will apply where the inequality of bargaining power is the result of the great disparity in the economic strength of the contracting parties. It will apply where the inequality

is the result of circumstances, whether of creation of the parties or not. It will apply to situations in which the weaker party is in a position in which he can obtain goods or services or means of livelihood only upon the terms imposed by the stronger party or go without choice, but to give his assent to a contract or to sign on the dotted line in a prescribed or standard form or to accept a set of rules as part of the contract, however unfair, unreasonable and unconscionable a clause in that contract or form or rules may be. This principle, however, will not apply where the bargaining power of the contracting parties is equal or almost equal. This principle may not apply where both parties is equal or almost equal. This principle may not apply where both parties are businessmen and the contract is a commercial transaction.....”

[27] In case of *Karnataka State Private College Stop-gap Lecturers Association Vs. State of Karnataka and others*, (1992) 2 SCC 29, the Apex Court held that irrespective of whether the appointments are temporary or permanent, there cannot be any justification to pay less salary to a temporary employee than the regular employee when the nature of works are same, and method of payment of fixed salary less than the regular employee (herein teacher) adopting a different method was deprecated. The relevant paragraph of said judgment reads thus:

“5. Another obnoxious part is the emoluments that have been paid to the temporary teachers. The order provides that the teacher shall be paid a fixed salary which is ten rupees less than the minimum payable to regular employee. This method of payment is again beyond comprehension. An appointment may be temporary or permanent but the nature of work being same and the temporary appointment may be due to exigency of service, non-availability of permanent vacancy or as stopgap arrangement till the regular selection is completed, yet there can be no justification for paying a teacher, so appointed, a fixed salary by adopting a different method of payment than a regular teacher. Fixation of such emoluments is arbitrary and violative of Article 14 of the Constitution. The evil inherent in it is that apart from the teachers being at the beck and call of the management are in danger of being exploited as has been done by the management committees of State of Karnataka who utilised the services of these teachers for 8 to 10 years by paying a meagre salary when probably during this period if they would have been paid according to the salary payable to a regular teacher they would have been getting much more. Payment of nearly eight months' salary, by resorting to clause 5, and, that too fixed amount, for the same job which is performed by regular teachers is unfair and unjust. A temporary or ad hoc employee may not have a claim to become permanent without facing selection or being absorbed in accordance with rules but no discrimination can be made for same job on basis of method of recruitment. Such injustice is abhorrent to the constitutional scheme.”

[28] Learned Advocate General relies on a decision as rendered in *Director General, Doordarshan Prasar Bharti Corporation of India (Supra)*. In this case, the Apex Court referring to rules 13 and 14 of the CCS (Pension) Rules held that qualifying service of a Govt. employee shall commence from the date he takes charge of the post to which he is first appointed, may be on officiating or temporary basis but casual or contractual service cannot be treated to service rendered on substantive post. Said decision was rendered in different contexts.

[29] Rule 17 of the Pension Rules which is an exception to said rule 13, deals with counting of past service rendered on contract basis where option is given to a contractual employee either to retain government contribution received in his contributory provident fund, or to forego it. In case, any contractual employee foregoes it, his past service on contractual basis is counted for the purpose of pensionary benefits. Recently, in the case of *S.D. Jayaprakash and others vs. Union of India and others*, 2025 SCC OnLine SC 973, where the appellants were appointed as Data Entry Operators under a scheme on temporary and contractual basis and later on were regularised in their service, the Apex Court held that their past services should be counted for the purpose of pensionary benefits on their exercise of option in this regard. According to Mr. Roy Barman, learned senior counsel submits, as SSA teachers, the petitioners were earlier enjoying non-contributory provident fund.

[30] The petitioners in this batch of writ petition have also made another prayer for a direction to the respondents to activate their GPF account, by accepting their monthly contribution till their retirement from service.

[31] The issues relating to GPF are regulated by the provisions of General Provident Fund (Central Services) Rules, 1960 which has been made applicable in Tripura with effect from 01.04.1960 by issuing a memorandum by the State. According to Mr. Roy Barman, learned senior counsel though all the petitioners were subscribers of GPF (non-contributory) while serving under SSA, after they were appointed in their subsequent employment, their GPF account has not been activated by the respondents yet. He also relies on the provisions of rule 35 of said Rules which is extracted hereunder:

35. Procedure on transfer of a Government servant from one Department to another-

(a) If a Government servant who is a subscriber to any other non-Contributory Provident Fund of the Central Government or of a State Government is permanently transferred to pensionable service in a Department of the Central Government in which he is governed by these rules, the amount of subscriptions, together with interest thereon, standing to his credit in such other fund on the date of transfer shall be transferred to his credit in the Fund:

Provided that where a subscriber was subscribing to a non-Contributory Provident Fund of a State Government, the consent of that Government shall be obtained.

(b) If a Government servant who is a subscriber to the State Railways Provident Fund or any other Contributory Provident Fund of the Central Government or a State Contributory Provident Fund is permanently transferred to pensionable service in a Department of Central Government in which he is governed by these rules and unless such a subscriber elects to continue to be governed by the rules of such Fund, when such an option is given-

- (i) the amount of subscriptions with interest thereon, standing to his credit in such Contributory Provident Fund on the date of transfer shall with the consent of the other Government, if any, be transferred to his credit in the Fund;**
- (ii) the amount of Government contributions, with interest thereon, standing to his credit in such Contributory Provident Fund shall, with the consent of the other Government, if any, be credited to the Central Revenues (Civil); and**
- (iii) he shall thereupon be entitled to count towards pension, service rendered prior to the date of permanent transfer, to the extent permissible under the relevant Pension Rules.**

NOTE 1.-The provisions of this rule do not apply to a subscriber who has retired from service and is subsequently re-employed with or without a break in service, or to a subscriber who was holding the former appointment on contract.

NOTE 2.-The provisions of this rule shall, however, apply to persons who are appointed without break, whether temporarily or permanently to a post carrying the benefits of these rules after resignation or retrenchment from service under another Department of Central Government or under the State Government."

[32] By a notification issued in the month of January, 2019 by the Finance Department, the State Govt. has implemented National Pension Scheme in Tripura w.e.f. 01.07.2018. On the other hand, in terms of above said provisions of rule 35 of the GPF (Central Services) Rules, 1960, where the petitioners have been migrated or transferred to the pensionable services, the amount of such provident fund with interests lying in their credit in relation to their previous service, are required to be transferred to their new account by activating the same, and in other cases, such amount is required to be disbursed to them. Therefore, the respondents will examine the case of each of the petitioners and will take necessary steps in this regard in accordance with relevant provisions of law and rules.

[33] In view of above discussions, all the writ petitions are allowed. The respondents are directed to grant the petitioners the benefit of regular pay scale with all allowances with effect from the date of their joining in the subsequent employment and the arrears shall be disbursed to them within 06 (six) months of receipt of copy of this judgment in two phases. 50% of the arrear in the first phase shall be paid within first three months. The respondents will also examine the case of each of the petitioners regarding transfer or disbursement of the amount lying in their provident fund account in terms of the discussions made in paragraph Nos. 31 and 32 above. Such exercise shall also be completed within three months of receipt of copy of this judgment."

[9] In view of above said previous decision of this Court, no further discussion appears to be necessary to resolve the issue. Accordingly, all the writ petitions are allowed. It is held that the petitioners who earlier completed their 5(five) years of service in SSA on fixed pay basis cannot be again put into fixed pay regime in their subsequent employment. They are therefore entitled to the benefit of regular pay scale w.e.f. the date of their joining in the subsequent employment. The State-respondents are therefore directed to grant them the above said benefit of regular pay scale with all allowances from the date of their joining in their

subsequent employment and the arrears shall be disbursed to them within 6(six) months of receipt of copy of this judgment in two phases. 50% of the arrear in the first phase shall be paid within the first three months. The other petitioners who did not complete the period of 5(five) years of service in SSA on fixed pay as indicated earlier, may file necessary representations to the appropriate authority as stated earlier with their supporting materials within two months of receipt of copy of this judgment and the respondent authority shall dispose of the same with a reasoned order within one month therefrom. In case of any grievance regarding decision of the appropriate authority on their such representations, liberty will be there for them to approach the appropriate forum in accordance with law.

With such observations and directions, the writ petitions are disposed of.

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

JUDGE