

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.331 of 2025**

Mr. Uttam Kumar Bakshi,
Son of Subhas Chandra Bakshi,
Resident of Rajarbagh,
P.O. & P.S.- R. K. Pur,
Sub-Division- Udaipur,
District- Gomati Tripura.

.... Petitioner(s).

Versus

- 1. The State of Tripura,**
Represented by the Commissioner & Secretary,
Education Department,
Government of Tripura,
Having his office at Secretariat Building,
P.O.- Kunjaban, P.S.- New Capital Complex,
District- West Tripura, PIN-799006.
- 2. The Commissioner & Secretary,**
Education Department,
Government of Tripura,
Having his office at Secretariat Building,
P.O.- Kunjaban, P.S.- New Capital Complex,
District- West Tripura,
PIN-799006.
- 3. The Commissioner & Secretary,**
Finance Department, Government of Tripura,
Having his office at Secretariat Building,
P.O.- Kunjaban, P.S.- New Capital Complex,
District-West Tripura, PIN-799006.
- 4. The Director,**
Department of Elementary Education,
Government of Tripura,
Having his office at Shiksha Bhawan, Office Lane,
P.O.- Agartala, P.S.- West Agartala,
District-West Tripura,
PIN-799001.

.....Respondent(s).

For Petitioner(s)	:Mr. Somik Deb, Sr. Adv. Mr. Jishan Samed, Adv.
For Respondent(s)	:Mr. Saktimoy Chakraborty, Adv. Gen Ms. Pinki Chakraborty, Adv. Mr. Pradyumna Gautam, Sr. G.A.
Date of Hearing	: 13.03.2026
Date of delivery of Judgment and Order	: 19.03.2026
Whether fit for Reporting	: YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Senior Counsel, Mr. Somik Deb assisted by Learned Counsel, Mr. J. Samed appearing on behalf of the petitioner and also heard Learned Advocate General, Mr. S. Chakraborty assisted by Learned Counsel, Ms. P. Chakraborty along with Learned Senior G.A., Mr. P. Gautam appearing on behalf of the respondents.

02. The petitioner has filed this writ petition seeking the following reliefs:-

Reliefs sought for:-

In the premises whereof, it is most humbly and respectfully submitted that Your Lordships would be graciously pleased to:

- i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner;**
- 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, shall not be issued, for mandating/directing them, to grant one advance increment to the petitioner in the existing pay scale as training incentive for successful completion of training examination, on Certificate in Elementary Teaching in Education, in the lines of the Judgment & Order dated 29.11.2018 (Annexure-3 supra);**
- iii) Call for the records appertaining to this petition;**
- iv) After hearing the parties, be pleased to make the Rule Absolute in terms of ii. above;**
- v) Costs of and incidental to this proceeding;**
- vi) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.**

03. At the time of hearing, Learned Senior Counsel, Mr. Somik Deb appearing for the petitioner drawn the attention of the Court that by Memo dated 11.12.1996 the petitioner was engaged as a Graduate Teacher under the Education Department, Tripura [**Anenxure-1**] and accordingly he joined.

04. Thereafter, the petitioner obtained certificate in Elementary Teaching in Education and his examination was held in the month of December, 2009 and the Provisional Certificate has been issued by Indira Gandhi National Open University (IGNOU) on 06.05.2010. The petitioner approached to the authority by submitting one representation for grant of one advance increment in the existing pay scale as training incentive for successful completion of training examination, on certificate in Elementary Teaching in Education. But that was not considered by the authority. Even the petitioner also referred the judgment of a Division Bench of this High Court dated 29.11.2018 in WP(C) No.650 of 2015 and as the respondents have willfully dishonoured his claim so under compelling circumstances the petitioner has filed this writ petition seeking the reliefs as stated above.

05. At the time of hearing, Learned Senior Counsel drawn the attention of this Court that in Rule 13(v) of Tripura State Civil Services (Revised Pay) Rules, 2009, there is clear indication for providing lump sum incentive who has undergone training on elementary teaching in education. But the respondent authority without any cause ignoring the rule has

refused to consider the claim of the petitioner for which the petitioner has filed this writ petition. The Sub-Rule (v) of Rule 13 of Tripura State Civil Services (Revised Pay) Rules, 2009 stated as under:-

"13.Training Incentive:- (1) In supersession/modifications of existing circulars, notifications issued from the State Government relating to training incentives, the following provisions are made;

(v) In respect of following categories of employees the existing system of providing training incentive in the form of one increment is replaced with lump sum incentive grant indicated in table below:

Category of training	Category of employee	Duration of training	Lump sum incentive amount
B.Ed.	Teacher	One year	Rs.3000/-
T. Ed.	Teacher	Six months	Rs.2000/-
CETE	Teacher	Six months	Rs.2000/-
UGBT	Teacher	One year	Rs.2500/-
CPE	Teacher	Six months	Rs.1500/-
VLW training	Agri Asst.	1+1 = 2 years	Rs.2500/-
Forestry training	Forester	One year	Rs.2500/-
B.P. Ed	PI (recruited under old RR)	One year	Rs.3000/-
Accounts	Clerks	Six months	Rs.2000/-

Note : This system of providing lump sum incentive grant will take effect from 1st January, 2009 for all cases who have completed training on or after 1.1.2009."

06. At the time of hearing, Learned Senior Counsel for the petitioner further drawn the attention of the Court referring the relevant rule of the Tripura State Civil Service and submitted that since the rule is very specific and it is clearly mentioned that lump sum incentive will be given to those who have completed training on or after 01.01.2009 and since the present petitioner completed the training on or after 01.01.2009 so in pursuance of the said rule the petitioner is entitled to the

relief as prayed for. It was further submitted by Learned Senior Counsel, Mr. Somik Deb appearing on behalf of the petitioner that the said Rule of 2009 was further notified/promulgated by the Governor of Tripura as Tripura State Civil Services (Revised Pay) Rules, 2017 w.e.f. 11.07.2017 and Rule 17 of the said Rules provided for Training Incentive as follows:-

"17. Training Incentive:

The existing system of providing lump sum training incentive as mentioned at TSCS (Revised Pay) Rules, 2009 read with its amendments issued from time to time shall continue."

So, Learned Senior Counsel finally submitted that since the Rule is very specific regarding providing lump sum Training Incentive and as such the present petitioner is entitled to get the said benefit. So, Learned Senior Counsel urged for considering the claim of the petitioner by allowing this writ petition.

07. The State-respondents have filed their counter-affidavit denying the assertions of the petitioner in the writ petition and in Para No.8 of the counter-affidavit, it was observed as under:-

"8. That, in response to the contents of paragraph-2.3 of the writ petition, I humbly submit that as per provision 13(1)(v) of ROP, 2009, the teacher who underwent training up to 31.12.2008 shall be entitled one increment in terms of Rule 13(1)(v) of ROP,2009 up to publication of ROP, 2009 i.e., 05.05.2009 (who completed the full training course and appeared in the end of term examination before 05.05.2009 and passed the examination in all subjects in one attempt)."

08. At the time of hearing, Learned Advocate General appearing on behalf of the State-respondents submitted that if

the rule permits the claim of the petitioner in that case there may not be any embargo to consider the claim of the petitioner. Nothing more was submitted by Learned Advocate General in this regard.

09. I have heard both the sides at length and perused the writ petition and the connected documents submitted by the petitioner as well as the counter-affidavit submitted by the State-respondents. Also I have gone through Para No.8 of the counter-affidavit filed by the State-respondents. It is surprising from where the respondents in the said Para has indicated the date 31.12.2008 because in the aforesaid sub-rule (v) of Rule 13 of the Tripura State Civil Services (Revised Pay) Rules, 2009, there is no such indication of any date like 31.12.2008 or 05.05.2009 and in course of hearing Learned Senior G.A. also could not explain anything from where those dates were mentioned in the affidavit. Since the rule is very specific regarding providing of lump sum incentive so it appears to this Court that there was no reason by the respondents authority to disallow the claim of the petitioner and as such the present petitioner is entitled to get the benefit of lump sum training incentive as per the aforesaid rule of the State Government w.e.f. 07.05.2010 i.e. after the date of his obtaining certificate in Elementary Teaching in Education.

10. In the result, the writ petition filed by the petitioner is hereby allowed. The respondents authority shall consider providing lump sum training incentive in favour of the

petitioner w.e.f. 07.05.2010 onwards as per admissible rate provided under Sub-Rule (v) of Rule 13 Tripura State Civil Services (Revised Pay) Rules, 2009 within a period of 01 (one) month from the date of passing of this judgment.

With this observation, the present writ petition stands disposed of.

Pending application/s, if any, also stands disposed of.

JUDGE



Amrita

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DEB**

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