

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C)No.490 of 2024

RETIRED EMPLOYEES FORUM OF SUBORDINATE JUDICIARY,
TRIPURA,

a Society registered under the Societies Registration Act, having its registered Office at C/o Mihir Singha Roy, Madhya Badharghat near Milan Chakra Club, P.O. A.D. Nagar, P.S. A.D. Nagar, District-West Tripura, Pin-799003. represented by its authorized representative, namely, Sri Mrinal Kanti Chakraborty, son of late Narayan Chakraborty, resident of Banamalipur (west side of Central Jail), P.O. Agartala, P.S. East Agartala, District-West Tripura, Pin-799001

.....Petitioner(s)

Versus

1.THE STATE OF TRIPURA,
represented by the Chief Secretary, Government of Tripura, New Capital Complex, P.O. Agartala Secretariat, P.S.-New Capital Complex, Sub-Division-Agartala, District- West Tripura, Pin- 799010

2.THE COMMISSIONER AND PRINCIPAL SECRETARY,
Finance Department, Government of Tripura, New Capital Complex, P.O. Agartala Secretariat, P.S.-New Capital Complex, Sub-Division-Agartala, District-West Tripura, Pin- 799010

3.THE SECRETARY,
Finance Department, Government of Tripura, New Capital Complex, P.O. Agartala Secretariat, P.S. New Capital Complex, Sub-Division- Agartala, District- West Tripura, Pin- 799010

4.THE SECRETARY,
Law Department, Government of Tripura, New Capital Complex, P.O. Agartala Secretariat, P.S.-New Capital Complex, Sub-Division-Agartala, District West Tripura, Pin- 799010

5.THE HON'BLE HIGH COURT OF TRIPURA,
represented by the Registrar General, Khejurbagan, P.O. Agartala Secretariat, P.S.-New Capital Complex, Sub-Division-Agartala, District-West Tripura, Pin- 799010

6.THE REGISTRAR GENERAL,
The High Court of Tripura, Khejurbagan, P.O. Agartala Secretariat, P.S. New Capital Complex, Sub-Division- Agartala, District-West Tripura, Pin-799010

7.THE DISTRICT AND SESSIONS JUDGE
West Tripura Judicial District, Court Complex Agartala, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, District- West Tripura, Pin-799001

8.THE DISTRICT AND SESSIONS JUDGE,
Gomati Judicial District, Udaipur, P.O. and P.S. R.K. Pur, Sub-Division-Udaipur, District- Gomati, Tripura, Pin-799120

9.THE DISTRICT AND SESSIONS JUDGE,
South Tripura Judicial District, Belonia, P.O. and P.S. Belonia, Sub-Division-Belonia, District-South Tripura, Pin- 799155

10.THE DISTRICT AND SESSIONS JUDGE,

Khowai Judicial District, Khowai Court Complex, P.O. and P.S. Khowai, Sub-Division-Khowai, District-Khowai, Tripura, Pin-799201

11.THE DISTRICT AND SESSIONS JUDGE,

Sepahijala Judicial District, Sonamura, P.O. and P.S. Sonamura, Sub- Division-Sonamura, District Sepahijala, Tripura, Pin-799131

12.THE DISTRICT AND SESSIONS JUDGE,

Unakoti Judicial District, Kailasahar Court Complex, P.O. and P.S. Kailasahar. Sub-Division- Kailasahar, District- Unakoti, Tripura, Pin-799277

13.THE DISTRICT AND SESSIONS JUDGE,

Dhalai Judicial District, Ambassa Court Complex, P.O. and P.S. Ambassa, Sub-Division- Ambassa, District- Dhalai, Tripura, Pin-799204

14.THE DISTRICT AND SESSIONS JUDGE,

North Tripura Judicial District, Dharmanagar Court Complex, P.O. and P.S. Dharmanagar, Sub-Division-Dharmanagar, District-North Tripura, Pin-799250

15.THE ACCOUNTANT GENERAL(A and E),

Tripura, P.O.-Kunjaban, P.S. New Capital Complex, District-West Tripura, Pin-799006

.....Respondent(s)

For Petitioner(s) : Mr. Purusuttam Roy Barman, Sr. Advocate.
Mr. Samarjit Bhattacharjee, Advocate.

For Respondent(s) : Mr. S.M. Chakraborty, Advocate General.
Mr. Bibhal Nandi Majumder, Sr. Advocate.
Mr. D. Sharma, Addl. G.A.
Ms. Pinki Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Date of Hearing & Judgment : 12/02/2026

Whether fit for reporting : YES

JUDGMENT & ORDER (ORAL)

(M.S. RAMACHANDRA RAO, C.J.)

The Petitioner is an Association of retired employees of the District/Sub-ordinate judiciary.

2. They had previously approached this Court by filing WP(C)No.420 of 2022 seeking (a) fixation of pension of the members of the Petitioners Association in terms of benefit of 6th Central Pay Commission recommendation and subsequent Central Pay Commission recommendation, (b)

payment of Gratuity as per Retired Central Government Employees and (c) payment of Dearness relief on basis of Sixth Pay Commission recommendations.

3. The said Writ Petition had been disposed of on 02.05.2023 directing the Petitioner Association to make a representation to the respondents and directed the respondents to take a decision within one month from the date of receipt of representation.

4. Pursuant to the said direction, a representation was given on 27.09.2023 by the Petitioner Association which was disposed of on 16.01.2024 rejecting the claims made therein.

5. Challenging the same, the instant Writ Petition was filed.

6. In this Writ Petition, the petitioner prayed for the following:

“(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 calling for the records, lying with the officials respondents, for rendering substantial and conscionable justice to the petitioner and quash/set-aside the Order No.F.No.3(2)-FIN(PC)/97(P-III)/L/1188-90, dated Agartala, 16th January, 2024 (Annexure 14 infra);

(ii) Issue Rule calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the respondents to revoke/rescind the impugned Order No.F.No.3(2)-FIN(PC)/97(P-III)/(L)/1188-90, dated Agartala, 16th January 2024 (Annexure 14 infra); and make fixation of pension of the members of the Petitioners Association in terms of benefit of 6th Central Pay Commission recommendation and subsequent Central Pay Commission recommendation and pay the Gratuity as per Retired Central Government Employees;

(iii) Pass an interim Order directing the respondents to pay the members of the petitioner’s association Dearness Relief as per 6th Central Pay Commission recommendation;

(iv) After hearing the parties, be pleased to make the Rules absolute in terms of Prayers made in paragraphs (i) & (ii) above;
...”

7. The whole basis of the Writ Petition appears to be an order passed by this Court in WP(C)No.617 of 2015, initially on 31.08.2016 which was later modified with some respects by the Learned Single Judge on 11.04.2017 on an application filed by the State of Tripura to modify the same.

8. In that Writ Petition No.617 of 2015, the dispute was with regard to *in-service* employees of the Sub-ordinate judiciary who were seeking revised pay structure in terms of the 6th Central Pay Commission. Reliance was made in the said Writ Petition on certain orders passed by the Supreme Court of India in **All India Judges' Association & Ors versus Union of India & Ors.** initially on 07.02.2009 and subsequently on 16.03.2015. The Supreme Court in the said orders had directed implementation of the recommendations of the Justice Jagannath Shetty Commission regarding pay revision and grant of allowances to the *in-service* employees of the Sub-ordinate judiciary w.e.f.01.04.2003.

9. The Learned Single Judge held in that Writ Petition that financial constraints cannot be considered as a tenable ground for denying benefits of the recommendations of the Justice Jagannath Shetty Commission to employees of Sub-ordinate judiciary; that Supreme Court directed a special package for employees of Sub-ordinate judiciary for enhancing the efficiency in the judicial administration , and the same had to be continued; and the revised pay structures which are to be applied w.e.f.01.01.2006 have to be the revised pay structure as recommended by the 6th Central Pay Commission and by the future Central Pay Commission. The State Government was directed to give revised structure to the employees of Sub-ordinate judiciary on the pay structure given on the basis of recommendation of the Justice Jagannath Shetty Commission w.e.f.01.01.2006 and the arrears by way of difference till 31.03.2016 were directed to be paid by

the State Government in lump sum or in four equal installments before 31.03.2017. Learned Single Judge also directed to release 'other benefits' in terms of the 6th Central Pay Commission recommendations.

10. On a clarification sought by the State Government as to what is the meaning of 'other benefits', which term was used in the judgment dt. 31.08.2016, the learned single Judge in a subsequent order dt.11.4.2017 held that the words 'other benefits' would mean all such allowances and financial inputs, approved and released by the Government of India for benefit of their employees in the various grades. He rejected the plea of the State Government that employees of Sub-ordinate judiciary would be entitled to various allowances 'at the rates and conditions' as applicable to the State Government employees in the equivalent rank and it was declared that the pay package as declared by the Justice Jagannath Shetty Commission had been consciously delinked from the State pay scale for giving it a uniform and national character. It was clarified that the term 'other benefits' are delinked from the pay scales and so, allowances which are extended to Central Government employees as per the 6th Central Pay Commission recommendation should also be given to employees of the Sub-ordinate judiciary.

11. In our opinion, the discussion in the judgment dt.31.8.2016 and order dt.11.4.2017 in Writ Petition No.617 of 2015 was confined to *in-service* employees of Sub-ordinate judiciary and there was no direction given with regard to *retired* employees of Sub-ordinate judiciary, particularly in respect of Pension, Dearness relief or Gratuity.

12. In the impugned order dt.16.01.2024 also, the State Government has clarified that as far as *retired* employees are concerned, Rule 11 of the

District Courts' Ministerial Establishment (Recruitment and Conditions of Service) Rules, 2014 states that persons retired from Subordinate judiciary shall be governed by Rules as are applicable to the persons holding equivalent posts under the State Government with respect to matters like age of retirement, pension, gratuity, leave salary and other benefits and entitlements on retirement; and that retired employees of Sub-ordinate judiciary, not being employees of the Central Government service, cannot seek dearness relief at the rate prescribed by the Central Government for each employees. It was also clarified that the order passed by this Court in WP(C)No.617 of 2015 relates to persons who are in the service of Sub-ordinate judiciary and not persons who have retired from the Sub-ordinate judiciary.

13. We agree with the reasoning in the impugned order and hold that retired employees, who are governed by Rule 11 of the District Courts' Ministerial Establishment (Recruitment and Conditions of Service) Rules, 2014, cannot seek benefits like pension and dearness relief on the 6th Central Pay Commission recommendations, since they do not apply to employees who retired from the Sub-ordinate judiciary of the State of Tripura and since they have not retired from the Central Government Service.

14. Therefore, we do not find any merit in the said Writ Petition and accordingly it is dismissed.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)