

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 515/2025**

1. Sri Kartik Debbarma, son of late Shib Kumar Debbarma, resident of Mainama, P.O. Mainama,-799275, District- Dhalai, Tripura.

2. Sri Hiralal Debbarma, son of Sri Phani Chandra Debbarma, resident of Chandrai Chara, P.O. Ambassa,-799289, District- Dhalai, Tripura.

3. Sri Romeo Thomas Debbarma, son of Sri Jyotilal Debbarma, resident of Ujan Abhoynagar, P.O. Abhoynagar-799005, Agartala, District- West Tripura.

..... PETITIONERS

Versus

1. The State of Tripura, represented by the Secretary, Industries & Commerce, Government of Tripura, Secretariat-799010, New Capital Complex, Agartala, West Tripura.

2. The Secretary, Finance, Government of Tripura, Secretariat-799010, New Capital Complex, Agartala, West Tripura.

3. The Director, Industries & Commerce, Government of Tripura, Shilpa Udyog Bhavan, Khejurbagan, Agartala, Pin-799006.

4. The Additional Director, Industries & Commerce, Government of Tripura, Shilpa Udyog Bhavan, Khejurbagan, Agartala, Pin-799006.

5. Md. Salauddin Kazi, Sr. Instructor, ITI, Kamalpur, under the Department of Industries & Commerce, Government of Tripura, District-Dhalai, Pin-799286.

6. Sri Arun Kumar Dey, Sr. Instructor, ITI, Kailasahar, under the Department of Industries & Commerce, Government of Tripura, District-Unakoti, Pin-799277.

---Respondent(s)

For Petitioner(s)	:	Dr. ML Roy, Advocate
For Respondent(s)	:	Mr. K. De, Addl. GA
Date of hearing & delivery of judgment	:	09.02.2026
Whether fit for reporting	:	Yes / No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

Heard Dr. ML Roy, learned counsel appearing for the petitioners as well as Mr. K. De, learned Additional GA appearing for the State-respondents.

2. By means of filing this writ petition, the petitioners have prayed for the following reliefs:

- “i) Admit the Petition,*
- ii) Call for the records,*
- iii) Issue Writ in the nature of directing the Respondents to show cause as to why the Memorandum dated 29.02.2024 (Annexure 17) issued by the Respondent No.3 should not be declared unjustified and result of non-application of mind.*
- iv) Issue Writ in the nature of Mandamus calling up the Respondents to show cause as to why the pay anomaly of the Petitioners with the Respondent No.5 and 6 should not be removed and pay of the petitioners be not refixed at least at par with that of Respondent No. 5 and 6;*
- v) Pass any further order/orders as this Hon'ble High Court consider fit and proper.”*

3. The facts of the case, lies in a narrow compass, is that the petitioners and the respondent Nos.5 and 6 herein, joined in service in the same post of Senior Instructor under the Respondent No.1. On promotion, the petitioners were moved to next higher scale of pay. Later on getting 1st ACP, the respondent Nos. 5 and 6 moved to next higher scale of pay, at par with the Petitioners, but their pay was fixed higher than the petitioners, which further enhanced after getting the benefit of 2nd ACP by the respondent Nos. 5 and 6 after 17 years of 1st ACP and getting the benefit ACP by the petitioners after 17 years of their promotion. The petitioners thereafter approached the State respondents by submitting their representation for granting them stepping up of pay to remove pay anomaly, but it was rejected.

Thereafter, the petitioners submitted their representation annexing the order dated 16.03.2022 passed in W.P.(C) 551 of 2018 which dealt with the similar and identical facts, wherein, the Hon'ble High Court directed the respondents-State to consider the case of the petitioners in the light of the representation of the Petitioners and in the light of the judgment passed by the Division Bench of this court in W.P.(C) 551/2018 along with others, but, the State Respondent did not consider the same. Thereafter, the petitioners filed a writ petition being WP(C) 589 of 2023 before this Hon'ble High Court and this Hon'ble High Court by its order dated 25.09.2023 disposed of the writ petition with a direction upon the respondents-State to consider the case of the petitioners in the light of the communication dated 19.10.2022 in consonance with the directions contained in WP(C) 251 of 2018. Thereafter, the petitioners submitted their representation on 14.11.2023 with a prayer for considering their case, but the respondents reiterated their earlier stand. Hence, the petitioners have approached this Court for redress.

4. The contention of Mr. Roy, learned counsel appearing for the petitioners is that though the respondent Nos. 5 and 6 are junior than the petitioners but they are getting higher scale of pay and urged for fixing the pay anomaly. Mr. Roy, learned counsel for the petitioners further submitted that despite forwarding of the judgment of this Hon'ble Court's orders, the respondents-State failed to comply with the directions of this Hon'ble Court. It is further submitted that the petitioners being in higher post their pay fixation cannot be less than their juniors.

Mr. Roy, has further submitted that since gross anomaly has arisen, the same needs to be rectified. Mr. Roy, has also submitted that though the petitioners submitted their representation with certain prayers, but till date the same has not been addressed to.

5. Mr. K. De, learned Additional GA appearing for the State-respondents has in all fairness submitted to pass appropriate order.

6. This court has perused the record and also has gone through the correspondences made therein. The case of the petitioners falls under same footings of that of WP(C) 251 of 2018 and others, wherein a Division Bench of this Court has made an elaborate discussion and on 16.03.2022 disposed of the writ petition with the following findings:

"14. After noting the aforesaid, we refrain from granting the relief sought for by the petitioners regarding the challenge to notification dated 23.07.2013 issued by the State of Tripura. However, with the hope that the administration will find sufficient reason to exercise its power under Rule 19 and 20 of the Tripura State Civil Services (Revised Pay) Rules, 2017 to relax the requirements due to clear undue hardship that has occurred in this case and use its power of interpretation under Rule 20 or carry out retrospective amendment to the rules wherever considered necessary in order to ensure that such anomaly that has arisen in the present case does not arise. We are clearly of the considered view that the petitioners who are working as Superintendent of Fisheries which is admittedly a promotional post have to be given a salary or a Grade Pay higher than that what is given to the juniors as Fishery Officers. We hope and trust that the needful be done within a period of three months and whatever are the dues of the petitioners shall be paid within a further period of two months thereafter."

7. The petitioners submitted their representation to the respondents-State, but the respondents-State refused to address the grievances raised by the petitioners in their representation dated 19.10.2022. When that being the position, the petitioners approached this Court by filing writ petition which was registered as WP(C) 589 of 2023. On 25.09.2023, this Court disposed of the said writ petition directing the respondents to consider the case of the

petitioners in the light of their representation and in consonance with the observations made in WP(C) 251 of 2018. The operative portion of the judgment reads as under:

“Without expressing any opinion on the merits of the case, the official respondents are directed to consider the case of the petitioner in the light of the communication dated 19.10.2022 and also in the light of the judgment passed by the Division Bench of this Court in WP(C) 251 of 2018 along with other matters vide judgment and order dated 16.03.2022. It is needless to mention here that the official respondents are to consider the case of the petitioner within a period of three months from the date of receipt of copy of this order in accordance with law.”

8. After disposal of the writ petition, the petitioners submitted their representation before the respondent No.3 on 14.11.2023, with certain prayers and prayed to consider their case in compliance with the directions passed by this Court. On receipt of the representation, the respondent No.3 by Memo dated 29.02.2024 regretted the prayer of the petitioners and did not consider the representation so filed by the petitioner.

9. This court has perused the record and also has gone through the correspondences made therein. This court is to be governed by the principle of justice, equity and good conscious. Needless to say, the petitioners have approached the respondents by notices annexing the similar and identical cases decided by this Court, raising their grievances and finding no alternative, they also served legal notice, which has ultimately been regretted, and thus, this may cause serious prejudice to the employees who are getting less salary than those of the juniors being in same cadre. In view of the foregoing discussion, this Court is of the considered opinion that the principle of equality as enshrined in Article 14 of the Constitution of India, allows no discrimination between employees who are similarly situated.

10. Accordingly, the Memo dated 29.02.2024 is hereby set-aside and the matter is remanded back to the respondents-State for considering the matter afresh in the light of the representation so filed by the petitioners in consonance with the observations made by this High Court in WP(C) 251 of 2018 and WP(C) 589 of 2023. This court hopes and trusts that the respondents shall definitely dispose the representation of the petitioner with a reasoned order and would take an endeavour to remove the pay anomaly, which is the main dispute in this writ petition. This court further clarifies that the entire exercise shall be completed within a period of 3 (three) months from today.

The instant writ petition is disposed of in the aforesaid manner.

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

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JUDGE

SAIKAT KAR

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