



**HIGH COURT OF TRIPURA
AGARTALA**

WA No.130 of 2024

Dr. Suman Adhikari, Son of Sri Samarjit Adhikari, Resident of Tithai Road,
Padmapur, Dharmanagar, North Tripura, PIN-799250

.....Appellant(s);

Versus

1. Indira Gandhi National Open University (IGNOU) (To be represented by)
The Registrar, Indira Gandhi National Open University (IGNOU), Office of
the Registrar, IGNOU, New Delhi, Maidan Garhi, New Delhi, PIN-110068
2. The Director, Academic Coordination Division, Indira Gandhi National
Open University (IGNOU), Office of the Director, Academic Coordination
Division, IGNOU, New Delhi, Maidan Garhi, New Delhi, PIN-110068
3. The Director, Regional Centre, Itanagar, IGNOU, HMCT Building, Rajiv
Gandhi Govt. Polytechnic Vivek Vihar, Itanagar, Arunachal Pradesh, PIN-
791113
4. The Regional Director, Agartala Regional Centre, IGNOU, MBB College,
Science Block, Agartala, West Tripura, PIN-799004
5. The State of Tripura (to be represented by) The Secretary, Department of
Higher Education, Government of Tripura, New Secretariat Building, New
Capital Complex, Kunjaban, P.S. New Capital Complex, Agartala, West
Tripura, PIN-799010
6. The Director, Directorate of Higher Education, Government of Tripura, 1st
Floor, Shiksha Bhawan, Office lane, Agartala, West Tripura, PIN-799001

.....Respondent(s)

For Appellant(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Dipjyoti Paul, Advocate.
For Respondent(s)	: Mr. K.N. Bhattahcharyya, G.A., Mr. D. Sarkar, Advocate, Mr. Manojit Saha, Advocate.

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

Order

23/04/2026

Heard Mr. P. Roy Barman, learned senior counsel assisted by
learned counsel Mr. Dipjyoti Paul for the appellant and Mr. D. Sarkar, learned
counsel for respondents No.1 to 4.

**Background Facts:**

2. The appellant was working as Assistant Professor in the Department of Higher Education, Government of Tripura at which point of time an advertisement dt.05.08.2021 was issued by the Indira Gandhi National Open University, New Delhi [“The University”, *for short*] for the post of Assistant Regional Director (North East Region).

3. Appellant applied and he was issued an Offer of Appointment on 16.03.2022.

4. The said appointment was on deputation for a period of two years as Assistant Regional Director (on deputation basis), Regional Centre-Itanagar, Arunachal Pradesh.

5. Clause 2(i) and 2(ii) of the said Offer of Appointment given to the appellant state as under:

“2. i) *Your appointment is on deputation basis in the Academic Level 10 (Rs.57,700-1,82,400/-) of the 7th CPC pay matrix. During the period of deputation, you will have the option either to get your pay fixed in the deputation post under the operation of the normal rules or to draw pay of the post held by you in your parent department plus a Deputation (Duty) Allowance in accordance with and, subject to the conditions, as modified from time to time and such other general or special orders issued by the Govt. of India.*

ii) In addition to the basic pay, you will draw such other allowances as per Govt. of India rules and as determined by the University from time to time.” (emphasis supplied)

6. Admittedly, appellant, in terms of the said Clause 2(i), opted on 07.07.2022 [Annexure-9] to draw *the pay of the post held by him in his parent department plus other allowances as per DoPT norms.*



7. He started working in the post of Assistant Regional Director on 20.04.2022. Appellant got relieved from his job as Assistant Regional Director on 31.03.2023.

8. It is not in dispute that there was a Revision of pay scales undertaken by the Government of Tripura enhancing the pay scale for the post of Assistant Professor, from the pay scale of Rs.57,700-1,82,400/- to Rs.68,900-2,05,500/- with effect from 21.04.2020 [Annexure-11], which post the appellant was holding, before he went on deputation.

9. Appellant's case is that he is entitled to the said pay band of Rs.68,900-2,05,500/- for the period he worked on deputation in the University and that he should get the pay band of Rs.68,900-2,05,500/- (revised pay band) for the period 20.04.2022 to 31.03.2023.

10. The case of the University is that he is not entitled to the same in view of Clause 2(ii), which mandates that he would draw only the basic pay and allowances as determined by the Government of India rules and as determined by the University.

Judgment dt.27.08.2024 of the learned Single Judge:

11. The learned Single Judge, in the impugned judgment, agreed with the respondents and interpreted Clause 2 referred to supra. He held that under sub-Clause (i) of Clause 2, the petitioner/appellant herein was no doubt given the option during the period of deputation of taking the pay of the post of Assistant Regional Director, or to draw the pay of Assistant Professor in the State of Tripura. But his service conditions on deputation basis under IGNOU including his pay and deputation duty allowance, would be governed by and in



accordance with and subject to the conditions as modified from time to time, and such other general or special orders issued by the Government of India.

12. The learned Single Judge held that after entry into the service on deputation, the service of the petitioner would be governed by the terms and conditions as would be issued by the Government of India from time to time, but not by the Government of Tripura.

13. He also relied on sub-Clause (ii) of Clause 2 to come to the said conclusion.

14. In addition, he also refers to sub-Clause (vii) of Clause 2 which states that during the period of his appointment in the University, in addition to Government of India Rules, he would be governed by the Act, Statutes, Ordinances and Regulations of the University and other Rules relating to the conditions of service applicable to other academic staff of the University modified from time to time.

15. According to the learned Single Judge, only at entry time of the petitioner into the service of respondents No.1 to 4, Clause 2(i) applies but not afterwards, and that when the pay scale of Assistant Regional Director, NE Region has been specified in the advertisement, the University cannot have any obligation to pay a pay scale which is more than that of the pay scale mentioned in the advertisement as well as in the Offer of Appointment issued in favour of the appellant.

16. According to the learned Single Judge, at the time of entry into service, the University accepted the pay scale applicable to the appellant for the post of Assistant Professor under the Higher Education Department of the Government of Tripura, and the second part of sub-Clause (i) of Clause 2



should not be read in isolation, but it must be read conjointly with other clauses mentioned in the advertisement as well as the Offer of Appointment dt.16.03.2022.

The instant Writ Appeal:

17. Challenging the same, this Writ Appeal is filed by the appellant.

18. Learned senior counsel for the appellant contends that the reasoning given by the learned Single Judge, is erroneous because once the appellant has been given the choice to draw the pay of the post held by him in his parent department in sub-Clause (i) of Clause 2, it is not open to the respondents to contend that he should draw only the pay fixed by the Central Government.

19. According to him, the words “*as modified from time to time*” in sub-Clause (i) of Clause 2, not only applies to a modification in the pay scale of post of Assistant Regional Director (if he exercised that option), but also to the pay fixed in the post of Assistant Professor (when he exercise that option), which post was held by him in his parent department.

20. Counsel for the University refutes the said contentions and supports the judgment of the learned Single Judge.

Consideration by the Court:

21. We have already referred to Clause 2 and sub-Clauses (i) and (ii) thereof, which we shall repeat again:

“2. i) *Your appointment is on deputation basis in the Academic Level 10 (Rs.57,700-1,82,400/-) of the 7th CPC pay matrix. During the period of deputation, you will have the option either to get your pay fixed in the deputation post under the operation of the normal rules or to draw pay of the post held by you in your parent department plus a Deputation (Duty) Allowance in accordance with and, subject to the*



conditions, as modified from time to time and such other general or special orders issued by the Govt. of India.

ii) In addition to the basic pay, you will draw such other allowances as per Govt. of India rules and as determined by the University from time to time.”

22. Admittedly in the sentence “*During the period of deputation ... in your parent department*” in sub-Clause (i) of Clause 2, option has been given to the appellant to choose either the pay (7th CPC) fixed in the deputation post (Regional Director), or to draw the pay of the post held by him (Assistant Professor) in his parent department. This is not in dispute.

23. In sub-Clause (i) of Clause 2, it is also stated that the appointment on deputation basis will be with a particular pay (either Central Government or Government of Tripura) plus a deputation duty allowance in accordance with and subject to the conditions *as modified from time to time*.

24. In our view, the words “*as modified from time to time*” apply to both *pay* and *deputation duty allowance*.

25. If there is a pay revision by the Central Government of the pay for the post of Regional Director, the University would have to pay the same to the deputationist, who opts for the said pay.

26. *A fortiori* the same logic applies if there is a revision of pay in the post of Assistant Professor by the State Government as well. It has to pay as revised even for the post of Asst.Professor.

27. Consequently the deputationist like the appellant is entitled to modification / revision of pay of the post of Assistant Professor in the State of Tripura (if he opts for it).



28. It is not open to the respondents to confine the words “*as modified from time to time*” only to a pay revision in the Central Government pay scale, and not to the pay revision in the post of Assistant Professor in the State of Tripura, which post the appellant was holding in his parent department before being appointed on deputation as Regional Director.

29. We also are of the opinion that, as regards ‘pay’, sub-Clause (ii) of Clause 2 will not apply to a person like the appellant who exercises the option to draw the pay of the post held by him in his parent department in the State Government.

30. Also it will only apply if he exercises the option to choose to receive the pay fixed in the deputation post of Assistant Regional Director for which the pay and allowances are fixed by the Government of India.

31. The learned Single Judge has not noticed the words “*as modified from time to time*” in sub-Clause (i) of Clause 2, or the fact that the said words apply to the modification in both the Central Government pay scale and the State Government pay scale, and erroneously denied relief to the appellant.

32. Now coming to Clause 2 (vii), it states:

“During the period of your appointment in this university, in addition to Govt. of India rules, you will be governed by the Act, Statutes, ordinances and regulations of the University and other Rules relating to conditions of service applicable to academic staff of the University modified from time to time.”

33. This clause has no relevance as far as pay and allowances are concerned and will apply only for other service conditions like leave, disciplinary proceedings, etc. This is because the aspect of ‘pay’ is already dealt with in Clause 2(i) and (ii).



34. So once the appellant exercised the option, and opted to take the pay of the post held by him in his parent department i.e. the post of Assistant Professor in the State of Tripura, the University cannot turn around and say that in view of sub-Clauses (ii) and (vii), he cannot seek more pay than what the Government of India fixes for the deputation post.

35. Therefore, the judgment dt.27.08.2024 of the learned Single Judge is set aside; the Office Order dt.23.01.2023 issued by the Director, ACD, IGNOU rejecting the claim of the appellant for re-fixation of pay in conformity with the revised pay structure relating to the post of Assistant Professor under the Department of Higher Education, Government of Tripura, is also set aside; and the respondents No.1 to 4 are directed to pay to the appellant the revised pay structure relating to the post of Assistant Professor under the Department of Higher Education, Government of Tripura for the period 20.04.2022 to 31.03.2023 within 2(two) months.

36. The instant Writ Appeal is allowed with the above observations and directions. No costs.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

Pijush/

PULAK BANIK Digitally signed by PULAK BANIK
Date: 2026.04.28 15:27:05 +05'30'