



HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

W.A.No.115 of 2025

1. The State of Tripura, represented by its Principal Secretary, Public Works Department (R&B), Government of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, PIN-799010
2. The Deputy Secretary, Public Works Department (R&B), Government of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, PIN-799010
3. The Chief Engineer, Public Works Department RB, Government of Tripura, P.O. Agartala, P.S. West Agartala, District-West Tripura, PIN-799001
4. Engineering Officer to the Chief Engineer, Public Works Department (R&B), Government of Tripura, P.O. Agartala, P.S. West Agartala, District-West Tripura, PIN-799001
5. The Principal Secretary, Social Welfare and Social Education Department, Government of Tripura, P.O. Secretariat, P.S. New Capital Complex, District-West Tripura, PIN-799010

.....Appellant(s)

(Respondent Nos.1 to 5 in the Writ Petition)

Versus

1. Sri Padma Mohan Tripura, son of Sri Kharendra Tripura, resident of Chatakchari, P.O. Sonai Bazaar, P.S. Sabroom, District-South Tripura, PIN-799145

..... Respondent(s)

(Writ Petitioner)

2. Sri Dharmendra Reang, son of Unknown, presently serving as Junior Overseer in the Office of the Sub-Divisional Officer (Asst. Engineer), Water Resource Sub-Division, Kanchanpur, Government of Tripura, P.O. & P.S. Kanchanpur, District-North Tripura, PIN-799270

.....Proforma-Respondent(s)

For Appellant(s)	:	Mr. Dipankar Sarma, Addl. G.A.
For Respondent(s)	:	Mr. Arijit Bhaumik, Adv.
		Mr. Kawsik Nath, Adv.
		Ms. Ishpa Chakma, Adv.

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

HON'BLE MR. JUSTICE BISWAJIT PALIT

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12/05/2026

Heard Mr. D. Sarma, Addl. G.A, appearing for the appellants as well as Mr. A. Bhaumik, counsel appearing for the respondents.

2. This Appeal is filed challenging the judgment dt. 14.08.2025 in WP(C)No.540 of 2024 of the Learned Single Judge where the Learned Single Judge allowed the Writ Petition filed by the 1st respondent who had



challenged the proceedings dt.17.02.2024(Annexure-5) of appellants cancelling his promotion without assigning any reason.

3. Even, in the counter affidavit filed by the appellants before the Learned Single Judge, no reason is given anywhere as to why the promotion granted to the 1st respondent on 30.11.2023 is cancelled by the order dt.17.02.2024.

4. In the impugned judgment, the Learned Single Judge held at para-8 that by virtue of the provision of Section 34 of Rights of Persons with Disabilities Act, 2016, the promotion of the 2nd respondent in this appeal would be against regular ST category post and by virtue of such promotion, he would occupy one ST post under physically handicapped category with the regular cadre, but the 1st respondent was promoted against a supernumerary post, and not against any regular sanctioned post of ST category. He, therefore, concluded that without cancelling a supernumerary post which has been created for the 1st respondent in the earlier exercise of promotion, the appellants could have kept the 1st respondent in the promoted post as he is senior to the 2nd respondent in the seniority list. He therefore directed the appellants to restore the promotion of the 1st respondent w.e.f.30.11.2023 by creating one supernumerary post in terms of the notification dt. 22.06.2021 issued by the Government of Tripura and quashed the notification dt. 17.02.2024 cancelling the promotion granted to the 1st respondent.

5. Though counsel for the appellants sought to assign reasons regarding cancellation of the promotion to the 1st respondent in the impugned order dt. 17.02.2024, since the said cancellation order does not disclose any reason for cancellation of the promotion, and even, in the



counter affidavit filed by the respondents, such a reason is not indicated except stating that his promotion was cancelled due to merit-cum-seniority, we are not inclined to interfere with the judgment of the Learned Single Judge.

6. As rightly held by the Learned Single Judge, the 2nd respondent being junior to the 1st respondent ought not to be considered before the 1st respondent as he is senior to the 2nd respondent.

Accordingly, the appeal is dismissed. No costs.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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