



**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.123 of 2026**

Sri Gouranga Chandra Sarkar
Son of Late Monaranjan Sarkar,
Resident of village Dhwananagar,
P.O-Gokulpur, P.S-Radhakishorepur,
District-Gomati Tripura, Pin-799120, aged about 56 years.

----- Petitioner(s)

Versus

- 1. The State of Tripura,**
To be represented by the Commissioner and Secretary to the Fisheries Department, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O-Kunjaban, P.S-New Capital Complex, Sub-Division-Sadar, District- West Tripura.
- 2. The Commissioner and Secretary to the Fisheries Department,** Government of Tripura, Having his office at New Capital Complex, Gorkhabasti, Agartala, P.O-Kunjaban, P.S.-New Capital Complex, Sub-Division-Sadar, District-West Tripura.
- 3. The Director of Fisheries,** Government of Tripura, having his office at Pandit Nehru Complex, P.O-Kunjaban, P.S-New Capital Complex, Sub-Division-Sadar, District-West Tripura.

----- Respondents

For Petitioner(s)	:	Mr. Somik Deb, Sr. Adv, Mr. Jishan Samed, Adv, Ms. Adwitiya Chakraborty, Adv.
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. G.A.
Date of hearing	:	30.04.2026
Date of delivery of Judgment & Order	:	15.05.2026
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. Jishan Samed and Learned Counsel, Ms. Adwitiya Chakraborty appearing on behalf of the petitioner. Also, heard Learned Addl. G.A., Mr. Mangal Debbarma appearing on behalf of the respondents.

2. The present petitioner has filed this writ petition seeking the following reliefs:

- 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 the respondents, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Memorandum dated 05.10.2024(Annexure-10 supra) insofar as the same negates the back wages to the petitioner, and also negates the notional fixation of the petitioner, with effect from 08.04.2022, i.e., two weeks from the date of submission of the Representation of the petitioner dated 25.03.2022(Annexure-2 supra), thereby furnishing a copy of the Judgment & Order dated 22.03.2022 (Annexure-1 supra);**
- 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 forthwith revoke/rescind the impugned Memorandum dated 05.10.2024 (Annexure-10 supra) insofar as the same negates the back wages to the petitioner, and also negates the notional fixation of the petitioner, with effect from 08.04.2022, i.e. two weeks from the date of submission of the Representation of the petitioner dated 25.03.2022 (Annexure-2 supra), thereby furnishing a copy of the Judgment & Order dated 22.03.2022 (Annexure-1 supra), and thereupon, clear off the arrears of salary and allowances, payable to the petitioner, with effect from 08.04.2022, i.e. two weeks from the date of submission of the Representation of the petitioner dated 25.03.2022(Annexure-2 supra), as well as grant retrospective promotion of the petitioner, to the post of THFS, Grade-III, Deputy Director of Fisheries, in the Department of Fisheries Government of Tripura, with effect from 15.07.2023 (date of issuance of Annexure-7 supra);**
- iii) **Call for records appertaining to this petition;**

- iv) **After hearing the parties, be pleased to make the Order absolute in terms of i and ii, above;**

AND

For this gracious act of kindness the humble petitioner abovenamed shall as in duty bound ever pray

3. At the time of hearing, Learned Counsel for the petitioner has drawn the attention of the Court referring Annexure-1 i.e. the common judgment & order dated 22.03.2022 in connection with WP(C) No.461 of 2021, WP(C) No.462 of 2021 and WP(C) No.465 of 2021 passed by a coordinate bench of this Court and submitted that by the said judgment, Learned Single Judge granted certain reliefs in favour of the petitioners. For the sake of convenience, let us reproduce herein below the relevant para No.38 of the said judgment:

"38. As a sequel, the writ petitions filed by the petitioners are allowed with the following consequential orders/directions:

- i) The order of cancellation and confiscation dated 15.05.2021 directing the petitioners to return their Scheduled Caste certificates to the office of the Director for Welfare of Scheduled Castes stands set aside and quashed.**
- ii) It is held that the petitioners have established their claim for "Namasudra", Scheduled Caste community.**
- iii) The Scheduled Caste certificates granted in favour of the petitioners stand restored and these are treated to be valid in the eye of law for all purposes.**
- iv) The petitioners shall be re-instated in service within a period of two weeks from the date the respondents and the employers of the petitioners shall receive a copy of this order.**
- v) The termination orders issued by the respective employers upon the petitioners also stand quashed having no force in the eye of law.**
- vi) It is further directed that the petitioners shall not be entitled to any back wages.**
- vii) It is made clear that the petitioners shall be entitled to all service benefits including seniority and intervening promotions, if any; and**
- viii) The pay and allowances of the petitioners shall be fixed notionally for the purpose of their pensions."**

Referring sub-para No.(iv) of para No.38, Learned Senior Counsel has drawn the attention of this Court that by the said judgment, Learned Single Judge directed that the petitioner shall be reinstated in service within a period of two weeks from the date the respondents and the employers of the petitioners shall receive a copy of this order and accordingly, the present petitioner submitted representation to the respondent-Department on 25.03.2022 [Annexure-2].

According to Learned Senior Counsel, in pursuance of direction of Learned Single Judge, the respondent-Authority after receipt of the representation filed by the present petitioner on 25.03.2022 was supposed to comply with the order on or before 09.04.2022. But in the meantime, challenging the said judgment the State preferred appeal bearing No.WA/70/2022 and by the order dated 06.12.2022, the Division Bench of this High Court dismissed the said appeal affirming the judgment passed by Learned Single Judge. The operative portion of the said order runs as follows:

"..... Accordingly, the instant appeal stands dismissed and the judgment of the learned Single Bench dated 22.03.2022 stands affirmed.

It is needless to observe that by virtue of dismissing the writ appeal, the benefits which have been granted to the writ petitioner would stand extended."

It was further submitted by Learned Senior Counsel, Mr. Deb appearing on behalf of the petitioners that in the meantime, as the direction of the Learned Single Judge which has been affirmed in appeal by the Division Bench of this High Court was not implemented, so, this present petitioner and others filed three separate contempt

proceeding before this Court and this Court by order dated 03.02.2023 in Cont. case No.181 of 2022 along with others gave the following observation:

“ * * * * *

The order dated 06.12.2022 passed by the Division Bench might be misconstrued by the contemnors. However, it is made clear that if the petitioners succeed in the SLP, then, all benefits have to be provided to the original writ petitioners w.e.f. the date of the judgment passed by the learned Single Judge of this court.

With the above observation and direction, these contempt applications stand disposed.”

Learned Senior Counsel further submitted that by this time the respondent-Department by a memorandum dated 21.01.2023 reinstated the petitioner in service as per direction of the Learned Single Judge but failed to comply with the order in accordance with the direction.

It was further submitted that the State preferred SLP against the order of the Division Bench of this High Court which was not entertained as the defects were not removed. So, the order of the Division Bench of this High Court affirming the judgment of the Learned Single Judge was affirmed.

4. Learned Senior Counsel thereafter submitted that the Directorate of Fisheries by a memorandum dated 15.07.2023 [Annexure-7] issued a seniority list wherein the name of the present petitioner has been shown at serial No.9 and the name of one Tikendrajit Sinha has been shown at serial No.10 who joined much later in service than that of the petitioner. After that, by notification dated 29.07.2021, few persons of the Fisheries Department were promoted to the post of Deputy Director excluding the present

petitioner. The petitioner submitted representation to the Authority on 30.03.2023 [Annexure-8] but that was not considered.

5. After that, the present petitioner was compelled to file another writ petition which was numbered as WP(C) No.180 of 2024 and this Court by order dated 02.07.2024 disposed of the same. The relevant portion of the order runs as follows:

“ * * * * *

When the matter has come up today for admission, Mr. K. De, learned Addl. G.A. has placed a Note of the department concerned to this Court wherein it is found that the concerned authorities have decided to provide all benefits including promotion to the petitioner and the entire process of promotion will be completed very shortly.

It is seen that in the meantime substantial time has been consumed for implementation of the said common judgment and order passed by this Court. It is not expected from a benevolent Government and the employer.

However, considering the Note as state here-in-above, I direct the respondents to implement the directions passed by this court in common judgment and order dated 22.03.2022 in WP(C) 461 of 2021 within a period of two weeks from the date of receipt of a copy of this order.

Learned Addl. G.A. is requested to communicate this order passed today orally to the department concerned immediately to expedite the compliance and not to wait for the certified copy of the order.”

Thereafter, the respondent-Department by another memorandum dated 05.10.2024 disposed of the issue of the petitioner. The relevant portion of the memorandum runs as follows:

“Whereas. Sri Gouranga Chandra Sarkar, Supdt. of Fisheries has been provided financial benefit from the date of his re-joining in Govt. service i.e. w.e.f. 24/01/2023 & his pay has been fixed notionally w.e.f. 01/04/2017.

AND

Whereas, On 30.03.2023, Sri Gouranga Chandra Sarkar, Supdt. Of Fisheries submitted a prayer along with Judgement & Order passed on 19/01/2023 wherein the Hon’ble High Court of Tripura, Agartala in Column No.VII stated that “It is made clear that the petitioner shall be entitled to all service benefits including seniority and intervening promotion, if any; and” for providing ad-hoc promotion form the post of Supdt. of Fisheries, THFS, Gr-IV to Dy. Director of Fisheries, THFS, Gr-III.

AND

Whereas, in compliance to the Judgement and Order of dated 22.03.2022 by the Hon’ble High Court of Tripura in

case No.WP(C) 462/2021 Sri Gouranga Chandra Sarkar, Supdt. of Fisheries has been provided promotion to the post of DDF, THFS, Gr-III, Group-A (Gazetted) & promotion order of the Department issued vide Notification No.F.2(391)-Fish(Estt.).2021-22/20650-709 dated 16th August, 2024. As per advice of the Law Department vide note No. 13 in File No. F-16(09)-FISH(COURT)/2023-24/PART-I, which was agreed by Ld. Advocate General, Tripura, the effect of promotion is given from 29.07.2021 (the date on which his immediate junior got promotion) to maintain his seniority intact and payment of actual benefit of pay and allowances for the promotional post has been given w.e.f. his actual date of pay and allowances for the promotional post has been given w.e.f. his actual date of reinstatement dated 24.01.2023 with notional fixation of his pay at the promotional post of Deputy Director, Fisheries w.e.f. 29.07.2021.

AND

Whereas, as per "Judgment & Order of the Hon'ble High Court of Tripura case No. WP(C) 462/2021 dated 22.03.2022 it is clearly stated that no back wages shall be entitled to the petitioner and his pay etc. shall be fixed notionally for the purpose of pension." But, the petitioner is seeking back financial benefit and submitted his prayer.

AND

Therefore, the application of Sri Gouranga Chandra Sarkar, Deputy Director of Fisheries seeking financial benefit w.e.f. 25/03/2022 (prior to his re-instatement) instead of 24/01/2023 i.e. date of re-joining in Govt. service, is regretted for the aforestated reasons & grounds, and the claim being devoid of merit."

Learned Senior Counsel submitted that inspite of that the respondent-authority failed to comply with the direction of the Learned Single Judge passed on 22.03.2022 in connection with WP(C) No.461 of 2021, WP(C) No.462 of 2021 and WP(C) No.465 of 2021. According to Learned Senior Counsel, his re-instatement ought to have been issued w.e.f. 09.04.2022 but the respondent-authority misconstruing the order of this High Court issued re-instatement order vide memorandum dated 21.01.2023 which compelled the petitioner to file this writ petition seeking correction of the date of re-instatement in service of the petitioner in pursuance of the direction of Learned Single Judge of this High Court.

Learned Senior Counsel further submitted that in the counter affidavit filed by the State-respondents, they have relied upon Annexure-R/4 i.e. the memorandum dated 21.01.2023 issued by Under Secretary, Government of Tripura and another notification dated 16.08.2024 [Annexure-R/5] issued by the Under Secretary, Government of Tripura and submitted that if in the notification dated 16.08.2024, the date of re-instatement is corrected with effect from 09.04.2022 in place of 24.01.2023 then the entire grievance of the present petitioner would be addressed and the very purpose for which the writ petition has been filed by the petitioner will be served. Because according to Learned Senior Counsel, the present petitioner being a poor paid employee is repeatedly pursuing to the Court for getting relief but inspite of that due to some unknown reasons, the order of this High Court was not implemented properly by the respondent-authority.

6. As already stated, the State-respondents have contested this writ petition by filing counter affidavit. In the counter affidavit, they have admitted the entire facts narrated by the petitioner but submitted that as per direction of the Court, all the benefits have been given to the petitioner, so, nothing survives for further fresh adjudication in this writ petition and as such, this present petition does not have any cause of action to entertain and the same is liable to be dismissed.

However, Learned Addl. G.A., Mr. M. Debbarma also relied upon Annexure-R/4 i.e. memorandum dated 21.01.2023 and

Annexure-R/5 i.e. notification dated 16.08.2024 and submitted that from those notifications, it is clear that the direction of the Learned Single has been duly complied with by the respondent-authority and as such, nothing remains therein for further consideration. So, Learned Addl. G.A. prayed for dismissal of the present writ petition.

7. I have heard both the sides at length and perused all the documents relied upon by the petitioner along with the writ petition and also the documents relied upon by the respondents-State along with their counter affidavit. It is the admitted position that by Judgment & Order dated 22.03.2022, the writ petitions bearing No.WP(C) No.461 of 2021, WP(C) No.462 of 2021 and WP(C) No.465 of 2021 filed by the present petitioner and two others were allowed by a coordinate Bench of this High Court which was challenged in appeal but the appeal was dismissed. The State preferred SLP and that was also not admitted. So, ultimately, the Judgment & Order dated 22.03.2022 passed by Learned Single Judge has attained finality. As already stated, as per direction contained in para No.38 of the Judgment & Order dated 22.03.2022, the present petitioner filed the representation to the respondent-authority on 25.03.2022. So, naturally it was the duty of the State-respondents to give effect of the order of re-instatement of service with effect from 09.04.2022. While delay in processing files do occur in government departments, however, the High Court's direction could have been implemented with effect from 09.04.2022 giving retrospective effects. But

unfortunately, the respondent-authority misconstrued the High Court's direction and issued the order much later, on 21.01.2023.

At the time of hearing, Learned Counsel for the State-respondents could not give any specific reasons as to why no such order could have been issued by the respondent-Department showing effect from 09.04.2022. Similarly, in respect of notification dated 16.08.2024 [Annexure-R/5], Learned Addl. G.A. also could not give any explanation or counter as to why on the body of the said notification the date has been shown as 24.01.2023 instead of 09.04.2022.

Thus, it is apparent on the face of the record that the respondent-authority although implemented the direction of this Court and gave all the financial benefits but at the time of issuing of order they have misconstrued the order dated 22.03.2022 passed by this Court causing injustice to the petitioner which needs to be rectified.

8. Learned Senior Counsel for the petitioner in course of hearing only confined his argument referring memorandum dated 21.01.2023 [Annexure-R/4] and notification dated 16.08.2024 [Annexure-R/5] which have already been examined and discussed above.

9. In view of the above, the respondent-authority be directed to modify the memorandum dated 21.01.2023 and reissue the same showing date of re-instatement with effect from 09.04.2022. The respondent-authority is further directed to modify the notification dated 16.08.2024 showing the date of re-instatement with effect from 09.04.2022 in place of 24.01.2023 in pursuance of the judgment

delivered by this High Court on 22.03.2022 stated supra. The aforesaid exercise shall be completed within a period of 2(two) months from the date of passing of this judgment.

With this observation, this writ petition is disposed of.

Pending applications(s), if any, also stands disposed of.

JUDGE

