

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) NO.118 OF 2010

Sri Kulendra Debnath,
son of Sri Jogesh Debnath,
resident of Hapania, P.S. Amtali,
Agartala, District West Tripura.

..... Petitioner

- Vs -

- 1. The Tripura Apex Weavers’ Co-operative Society Ltd.,
represented by its Managing Director,
I.T.I. Road, Indranagar, Agartala, Tripura.
- 2. The Managing Director,
The Tripura Apex Weavers’ Co-operative Society Ltd.,
I.T.I. Road, Indranagar, Agartala, Tripura.
- 3. The Officer-in-charge,
Human Resource Section,
Directorate of Handloom, Handicrafts & Sericulture,
Agartala, Tripura.
- 4. The Secretary,
Finance Department, Govt. of Tripura, Agartala, Tripura.

.....Respondents

B E F O R E
THE HON’BLE MR. JUSTICE S. TALAPATRA

For the petitioner : Mr. C.S. Sinha, Advocate

For the respondents : Mr. P.K. Pal, Advocate for the
respondent Nos. 1 and 2.

Date of hearing & order : 12.01.2015

Whether fit for reporting :	Yes	No
		√

JUDGMENT & ORDER (ORAL)

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner as well as Mr. P.K. Pal, learned counsel appearing for the respondent Nos. 1 and 2. None appears for the remaining respondents.

2. The petitioner entered in the service as the Master Dyer on regular basis and, thereafter, on 28.08.1989 he was appointed as the Procurement-cum-Store Officer in the scale of ₹1700-3980/-. By the Memorandum dated 22.02.1992, Annexure-2 to the writ petition his scale of pay was upgraded to ₹2000-4410/-.

3. By the Memorandum dated 08.12.1999, Annexure-4 to the writ petition, a scheme called the Career Advancement Scheme (CAS) was introduced in the establishment of the respondents in terms of the Tripura State Civil Services (Revised Pay) Rules, 1999, to such extent it was made applicable in the Public Sector Undertakings.

4. According to the petitioner, he was entitled to get the benefit of the CAS on completion of seven years of service in the grade of the Master Dyer by movement to the next higher scale of pay of ₹7450-13,000/- (revised pay scale of ₹2100-4530/-), but he had not been given that benefit.

5. The Officer-in-charge of the Human Resources Section of the Directorate of Handloom Handicrafts & Sericulture, Agartala, by

his letter dated 28.03.2009, Annexure-6 to the writ petition, informed the Managing Director of the Tripura Apex Weavers Co-operative Society Ltd. that the petitioner was not entitled to get the benefit of the CAS as he was enjoying the next higher pay scale for his promotion to the post of the Procurement-cum-Store Officer. The letter dated 28.03.2009 was communicated to the petitioner by the respondent No.2 on 09.04.2009, Annexure-7 to the writ petition.

6. Thereafter, by filing a representation dated 20.05.2009 to the respondent No.2, the petitioner submitted that since he was promoted to the post of Procurement-cum-Store Officer in 1989, till then he was without any promotion and hence he is entitled to the movement of the higher pay scale in terms of the CAS. The petitioner has challenged the letter dated 09.04.2009 as illegal by filing this writ petition.

7. Mr. C.S. Sinha, learned counsel appearing for the petitioner, has submitted that the petitioner was appointed on 21.11.1982 as the Master Dyer on regular basis and he had completed seven years of service on 20.11.1989. But, he has candidly admitted that on 28.08.1989, the petitioner was appointed on promotion to the post of Procurement-cum-Store Officer in the pay scale of ₹1700-3980/-, upgraded to ₹2000-4410/-.

8. From the other side, Mr. P.K. Pal, learned counsel appearing for the respondent Nos. 1 and 2, has submitted that the

benefit of the CAS can only be availed, if one employee is stagnated in his pay scale without any promotion for a stipulated period. But the petitioner was given promotion to the post of the Procurement-cum-Store Officer before his completion of seven years of service.

9. In reply, Mr. Sinha, learned counsel appearing for the petitioner, has submitted that the petitioner was entitled to another benefit of the CAS on his completion of sixteen years of service without any promotion.

10. Mr. Pal, learned counsel appearing for the respondent Nos. 1 and 2, has reiterated that the promotion of the petitioner to the post of the Procurement-cum-Store Officer had pushed the petitioner to the said higher scale. As per Rule 10 of the Tripura State Civil Services (Revised Pay) Rules, 1999, those who gets promotion will not be eligible for benefit under the CAS. As such, the petitioner's claim to the benefit under the CAS, is bereft of merit.

11. In view of above, this court finds that this writ petition is totally misconceived. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE

ROY