

THE HIGH COURT OF TRIPURA AGARTALA

WP(C) NO.530 OF 2010

Sri Jagadish Ch. Deb,
Son of Lt. Jogesh Chandra Deb,
Resident of Village-Dhawajanagar,
R.F.Tilla, Police Line,
P.S.-R.K.Pur,
District-South Tripura.

... **Petitioner**

- Vs -

- 1. The State of Tripura,**
Represented by the Secretary to the
Government of Tripura,
Rural Development Department,
Agartala, P.O. Agartala.
- 2. District Rural Development Agency,**
South Tripura,
Represented by the Chairman,
Rural Development,
(District Magistrate & Collector),
South Tripura, Udaipur,
P.O. R.K. Pur.
- 3. The Project Director,**
District Rural Development Agency,
South Tripura,
Udaipur, P.O. R.K. Pur.

...**Respondents**

**BEFORE
THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner	: Mr.S.C.Das, Advocate.
For the respondents	: Mrs. A. S. Lodh, Addl. G.A.

Date of hearing and delivery of Judgment & order	: 16.09.2015.
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Whether Fit for reporting : **YES**

JUDGMENT & ORDER (ORAL)

Heard learned counsel Mr. S.C.Das for the petitioner and learned Addl. G.A., Mrs. A. S. Lodh for the respondents.

2. It is submitted by Mr. Das, learned counsel for the petitioner that the petitioner was appointed as a Class-IV employee under the respondent Nos. 2 and 3 on 04.05.1973. He was promoted as Gestetner Operator on 02.08.1982. The post of Gestetner Operator was a Group-‘C’ post at the relevant point of time when the petitioner was promoted to the said post.

It is further submitted by Mr. Das, learned counsel for the petitioner that as per ROP Rules 2009, the post of Gestetner Operator has become a Group-‘D’ post in view of the classification made in Rule 17 of the said rules. The petitioner was in the pre-revised scale of Rs.3200-6030/- and under ROP Rules 2009 the said pay scale was revised to Rs.6700-12205/- and so the petitioner since was placed in pay band-I with grade pay ranging from Rs.1200-1500/- he was supposed to be treated as a Group-‘D’ employee and therefore was entitled to serve till his attaining the age of 60 years. The respondents wrongly and illegally compelled him to retire on his attaining the age of 58 years treating him as a Group-‘C’ employee and hence the petitioner filed the present writ petition challenging Memo dated 18.11.2010(Annexure-4 to the writ petition) under which the respondent No.3 put the petitioner to retire w.e.f. 30.11.2010 on his attaining the age of 58 years with extension of 3 months.

3. Mrs. A. S. Lodh, learned Addl. G.A. has submitted that Gestetner Operator was a Group-‘C’ post under the District Rural Development Agency (DRDA). So the petitioner was supposed to retire on his attaining the age of 58 years. She has also submitted that ROP Rules was meant for State Govt. employees and it was not automatically applicable to the employees of DRDA. She has further submitted that the State Govt. has given scale to scale benefit to the employees of DRDA as per letter dated 19.11.2009 (Annexure R/7 to the counter affidavit) and the petitioner was given the pay scale of Rs.6700-12205/- since the petitioner was in the pre-revised scale of Rs.3200-6030/-.She has specifically referred to part ‘C’ of ROP Rules 2009 whereunder the pre-revised scale of Rs.3200-6030/- which has been revised to Rs.5310-24,000/- is in pay band-II and so the petitioner cannot be treated as a Group-‘D’ employee and he was rightly treated as a Group-‘C’ employee by the DRDA.

4. It is an admitted position that the petitioner was appointed as a Group-‘D’ employee and subsequently he was promoted as a Gestetner Operator in the year 1982 and at that point of time, the post of Gestetner Operator was a Group-‘C’ post. It is also an admitted position that by Memo dated 18.11.2010 (Annexure-4 to the writ petition) the petitioner has been put to retirement on his attaining the age of 58 years with further extension of 3 months and he has been put on retirement w.e.f. 30.11.2010. The petitioner’s claim that he was entitled to serve upto his attaining 60 years is based on the provisions of ROP Rules

2009. Rule 17 of ROP Rules 2009 has made classification of employees in four Groups namely Group-A, Group-B, Group-C and Group-D. A copy of that Rule has been annexed as Annexure-R/8 to the counter affidavit of respondent Nos. 2 and 3. Rule 17(IV) is relevant here which reads as follows:-

"17. Classification of employees:-

From the date of commencement of these rules, the employees shall be classified as Group A, Group B, Group C and Group D in the following manner:-

.....

.....

(iv) Group D - *Government Employees holding all Posts in the pay band No.1 with grade pay ranging from Rs.1200 to Rs.1500"*

5. Part B of ROP Rules,2009 prescribed the pay band and grade pay. Sl.No.1 to 4 of the revised pay structure relates to pay band-I which reads as follows:-

"Sl. No.	Name of Pay Band	Pay Band Scale	Grade Pay
1	PB-1	Rs. 4530-13000	Rs. 1200
2	PB-1	Rs. 4530-13000	Rs. 1300
3	PB-1	Rs. 4530-13000	Rs. 1400
4	PB-1	Rs. 4530-13000	Rs. 1500"

6. It is not disputed that ROP Rule is not directly applicable to the employees of DRDA. It is an admitted position that before ROP Rules,2009 came into force the petitioner was in the pay scale of Rs.3200-6030/- and after ROP Rules came into force he was given the pay scale of Rs.6700-12,205/-.

7. Part 'C' of ROP Rules, 2009 prescribed the correspondence between the existing scale and the revised scale

and here we are concerned the scale in respect of pay band-I and pay band-II. A copy of the same has been annexed as Annexure R/8 to the counter affidavit of respondent Nos. 2 and 3 and the relevant part reads as follows:-

"Existing Pay Structure		Revised Pay Structure		
Sl. No.	Existing Pay Scales(Rs.)	Name of Pay Band	Pay Band Scale	Grade Pay
1.	2600-55-2985-60-3285-65-3545	PB-1	Rs.4530-13000	Rs.1200
2.	2650-65-3300-70-4350	PB-1	Rs.4530-13000	Rs.1300
3.	2750-70-3800-75-4925	PB-1	Rs.4530-13000	Rs.1400
4.	2900-75-3800-80-4760-90-5660	PB-1	Rs.4530-13000	Rs.1500
5.	3050-4010-90-4910-100-5910	PB-2	Rs.5310-24000	Rs.1600
6.	3200-90-4280-100-5480-110-6030	PB-2	Rs.5310-24000	Rs.1700
7.	3300-100-4800-110-5900-120-7100	PB-2	Rs.5310-24000	Rs.1800
8.	4000-110-5650-120-6850-130-7890	PB-2	Rs.5310-24000	Rs.2000
9.	4200-120-6000-130-7300-150-8650	PB-2	Rs.5310-24000	Rs.2100
10.	5000-130-6690-150-8940-170-10300	PB-2	Rs.5310-24000	Rs.2400"

8. It is apparently clear from the above entries in Part-C of the ROP Rules that the pre-revised scale of Rs.3200-6030/- has been placed in pay band-II and the corresponding revised pay scale is Rs.5310-24000/- and grade pay is Rs.1700/-. The petitioner was not given the revised scale as per ROP Rules, 2009 but he was given the scale of Rs.6700-12205/-, though his pre-revised scale was Rs.3200-6030/-. Therefore, the classification of employees as made by the ROP Rules,2009 cannot be said to be applied to the case of the petitioner to treat him as a Group-'D' employee after ROP Rules, 2009 came into force. Since ROP Rules,2009 is not applicable to the petitioner in respect of pay scale it cannot be said to be applicable in respect of classification of employee. The petitioner has been given a pay scale different to that of the corresponding pay scale prescribed under ROP Rules,2009 meant for the State Govt. employees and the petitioner being an employee of DRDA was given a different scale as per letter of the State Govt. in the Rural Development

Department dated 19.11.2009 (Annexure-R/7 to the counter affidavit).

9. The petitioner, therefore has no case to claim that in view of ROP Rules, 2009 he was entitled to be treated as a Group- 'D' employee and therefore, was entitled to serve till his attaining the age of 60 years.

10. The writ petition accordingly is found to be devoid of any merit and accordingly stands dismissed.

JUDGE