

THE HIGH COURT OF TRIPURA
AGARTALA

W. P.(C) No. 80 of 2011

Sri Bijan Bhattacharya,
Son of late Anil Bhattacharya,
Resident of South Barjala, P.S. West Agartala, P.O. Barjala, West Tripura.

.....Petitioner

- V E R S U S -

1. The State of Tripura,
Represented by the Secretary to the Government of Tripura Education
(Higher Education) Department, Civil Secretariat Capital Complex,
Agartala, P.S. East Agartala, P.O. Kunjaban-799006, West Tripura.
2. The Director of Higher Education,
Government of Tripura, Old Secretariat Complex, P.O. Agartala-799001,
P.S. West Agartala, West Tripura.

.....Respondents

B E F O R E
THE HON'BLE MR. JUSTICE U. B. SAHA

For the petitioner : Mr. D. Bhattacharji, Advocate.

For the respondents : Mr. S. Chakraborty, Addl. G.A.

Date of hearing & delivery
of judgment and order : 19.11.2015

Whether fit for reporting : NO.

Judgment and Order (Oral)

By this writ petition, the petitioner Sri Bijan Bhattacharya has prayed for a direction to the respondents to give him the scale of pay of Rs. 6500-12300/- as per Tripura State Civil Services (Revised Pay) Rules, 1999.

[2] The brief facts of the case is that the petitioner was appointed as Head Instructor in the Tripura Engineering College (now NIT) on 29.10.1997. The petitioner was getting

the Scale of Pay of Rs. 1700-3980 under Tripura State Civil Services (Revised Pay) Rules, 1988 but the scale of the Senior Instructor was Rs. 2000-4410. As such, the scale of the Head Instructor was revised to 5500-10700/- from 1700-3980 and the Scale of Senior Instructor was revised to 6500-12300/- from 2000 to 4410. By Memorandum dated 25.07.2007, the petitioner's service was withdrawn and posted to the Tripura Institute of Technology with his existing pay and scale and allowances. The petitioner made a representation on 04.02.2008 to the Director of Higher Education, the respondent No. 2 claiming the scale of pay of Rs. 6500-12300/- from the date of his appointment. But the authority did not dispose of the representation. Hence the writ petition.

[3] The respondents by way of filing counter affidavit have stated that the petitioner is not entitled to the relief sought for as the post of Head Instructor, Tripura Institute of Technology is a group-C category post meant for Degree level technical institute in the pre-revised scale of pay of Rs. 1700-3980/- and the post of Senior Instructor, Polytechnic Institute is a group-B gazette post in the pre-revised scale of pay of Rs. 2000-4410/- earmarked for the Diploma level technical post and the duties and responsibilities of these two posts are different.

[4] It is also the case of the State respondents that the petitioner has been enjoying appropriate pay scale for the

post of the Head Instructor since his appointment as reflected from his offer of appointment dated 29.10.1997.

[5] Today when the matter is taken up for hearing, Mr. Bhattacharji, learned counsel appearing for the petitioner submits that the writ petition can be disposed of only with a simple direction to the respondent No. 2, i.e., the Director of Higher Education to dispose of the representation of the petitioner dated 04.02.2008 **(Annexure-3 to the writ petition).**

[6] On the other hand, Mr. Chakraborty, learned Addl. G.A. appearing for the State respondents referring to Para 12 of the counter affidavit submits that no such representation was received by the Director of Higher Education. Thus, the petitioner may be directed to file a fresh representation.

[7] Mr. Bhattacharji, learned counsel appearing for the petitioner submits that he has no objection to the said proposal of the learned Addl. G.A.

[8] In view of the above submission of the learned counsel appearing for both the parties, it would not be proper for this Court to make any observation regarding the merit of the case.

[9] The instant writ petition is disposed of with the following direction as agreed to by the learned counsel appearing for the parties that the petitioner shall file a fresh

representation raising all his grievances as stated in Annexure-3 to the writ petition within a period of 10 days from today and the respondent No. 2, Director of Higher Education, shall dispose of the same by a reasoned order within a period of 1(one) month from the date of receipt of the representation. The Director of Higher Education while disposing of the representation of the petitioner shall give a personal hearing also to the petitioner.

JUDGE

A.Ghosh