

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.58 OF 2014

1. Sri Subhra Sankar Laskar,
S/o. Dr. Santimoy Laskar,
Of Banamalipur, Dighir Par,
P.O. Agartala, P.S. East Agartala
Pin – 799 001, Dist. West Tripura.
2. Sri Prasanta Chakraborty,
S/o. Sri Kshitish Chakraborty,
Of Vill. Nalgaria, Krishnatali,
P.O. & P.S. Ranirbazar
Pin – 799 035, Dist. West Tripura.
3. Sri Abhijit Saha,
S/o. Sri Narayan Chandra Saha,
Of Vill. Town Pratapgarh,
P.O. Agartala, P.S. East Agartala
Pin – 799 001, Dist. West Tripura.
4. Sri Somen Deb,
S/o. Sri Krishna Kumar Deb,
Of Vill. & P.O. Gandhigram,
Pin – 799 012, Dist. West Tripura.
5. Sri Rajat Banik,
S/o. late Sukhendu Banik,
Of Bhati Abhoynagar,
P.O. Agartala, P.S. West Agartala,
Pin-799 001, Dist. West Tripura.
6. Sri Shobhan Majumder,
S/o. late Radhakrishna Majumder,
Of Banamalipur, Dighir Par,
P.O. Agartala, P.S. East Agartala,
Pin-799 001, Dist. West Tripura.
7. Sri Goutam Debbarma,
S/o. Narendra Debbarma,
Of Advisor Chowmuhani,
P.O. Agartala, P.S. West Agartala,
Pin-799 001, Dist. West Tripura.
8. Smt. Tinku Sarkar,
D/o. Garanga Sarkar,
W/o. Raju Chakraborty,
Of Dhaleswar, Kalyani, Water Supply Road,
P.O. Dhaleswar, Pin-799 004,
P.S. East Agartala, Dist. West Tripura.

9. Sri Sukhen Patwari,
S/o. Harakanta Patwari,
Of Vill. Mekhlipara via Ranirbazar,
P.O. & P.S. Ranirbazar,
Pin-799 035, Dist. West Tripura.
10. Sri Arghya Dutta,
S/o. Bidhubhausan Dutta,
Of Ramnagar Road No.2,
P.O. Ramnagar, P.S. West Agartala,
Pin-799 002, Dist. West Tripura.
11. Sri Srikanta Dhal,
S/o. Sarbeswar Dhal,
Of Mariyamnagar, Agartala,
Pin-799 008, Dist. West Tripura.
12. Sri Babul Das,
S/o. Naresh Chandra Das,
Of Bishalgarh, Pin-799 202, Dist. Sipahijala.
13. Sri Rakesh Debnath,
S/o. Si Chand Mohan Debnath,
Of Ramnagar Road No.7,
P.O. Ramnagar, P.S. West Agartala,
Pin-799 002, Dist. West Tripura.

..... **Petitioners.**

- V e r s u s -

1. The State of Tripura,
Represented by the Principal Secretary to the
Government of Tripura,
Rural Development Department,
New Capital Complex, Agartala-799 006,
Dist. West Tripura.
2. The Chief Engineer,
Rural Development Department,
Government of Tripura,
Pandit Nehru Complex, Agartala-799 006,
Dist. West Tripura.
3. The District Magistrate & Collector,
West Tripura District, Agartala, Tripura (W).
4. The District Magistrate & Collector,
Sipahijala District, Bishramganj, Tripura.
5. The District Magistrate & Collector,
Gomati District, Udaipur, Tripura.

6. The District Magistrate & Collector,
South Tripura District, Belonia, Tripura.
7. The District Magistrate & Collector,
Khowai District, Khowai, Tripura.
8. The District Magistrate & Collector,
Dhalai District, Ambassa, Tripura.
9. The District Magistrate & Collector,
Unakoti District, Kailasahar, Tripura.
10. The District Magistrate & Collector,
North Tripura District, Dharmanagar, Tripura.

..... **Respondents.**

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioners : Mr. D. Bhattacharjee,
Advocate,

For the respondents : Mr. S. Chakraborty, Addl. GA

Date of hearing and delivery : 08.06.2015
of judgment and order

Whether fit for reporting : **YES/NO.**

JUDGMENT & ORDER

(Deepak Gupta, C.J.)

The petitioners are the degree holder Civil Engineers working in the Rural Development Department. The grievance of the petitioners is that when promotions are made to the post of Assistant Engineer or above, there are no separate posts earmarked for those engineers who have done their engineering in the Mechanical or Electrical field. The petitioners have prayed by means of this petition that separate seniority list should be made

for Junior Engineer (Civil), Junior Engineer (Mechanical) and Junior Engineer (Electrical) and promotions should be made in the respective streams.

2. Mr. D. Bhattacharjee, learned counsel appearing for the petitioners contends that because a common seniority list is being maintained, Mechanical and Electrical Engineers are also promoted and they are overseeing the construction work which results in poor construction of the building. On the other hand, Mr. S. Chakraborty, learned Addl. GA points out that even the Mechanical and Electrical Engineers gather sufficient experience in civil works while they are working as Junior Engineers. He also submits that it is for the employer to decide how the rules are to be framed and this Court would normally not interfere in this matter unless there is some violation of fundamental rights. He has also pointed out to us that with effect from 20-09-2006, the Recruitment Rules for the post of Junior Engineers in the Rural Development Department have been amended and now only Civil Engineers are to be recruited.

3. We have carefully considered the submissions of both the parties. It is for the employer to decide what are the qualifications of the employees. We must also realize that those Mechanical and Electrical Engineers who were recruited earlier and who are senior to the petitioners cannot be denied promotion to the higher level by amending the rules at the behest of the petitioners. We are aware that if the posts in the higher grade are

divided stream wise, the number of posts falling to the share of Mechanical and Electrical Engineers may be very low. These Mechanical and Electrical Engineers are not totally unqualified. They have gained vast experience as Civil Engineers. Furthermore, when they were recruited in job, there were no such criteria and it would be unfair to introduce such criteria now.

4. The State, being conscious of the fact, that most of the work in the Rural Development Department is civil engineering work has now only made Civil Engineers eligible for recruitment and, therefore, obviously in future only Civil Engineers will be promoted to the higher post of Assistant Engineer etc. As far as the engineers from the Mechanical and Electrical Division who were recruited earlier are concerned, they would be entitled to promotion as per the rules and as per their seniority and it would be highly unfair and unjust to deny them promotion by amending the rules at this belated stage.

5. Therefore, we find no merit in the petition which is accordingly rejected.

JUDGE

CHIEF JUSTICE

MB/A. Ghosh