

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 531 of 2012

Sri Durgadas Purkayastha,
S/o Late Nagendra Chandra Purkayastha,
Retired Member (Judicial),
Central Administrative Tribunal,
at present residing at 43/C,
Bosepukur Road, Kasba,
Kolkata-700042.

.....Petitioner.

- *Vs* -

- 1. The Gauhati High Court**
at Gauhati, (The High Court of Assam,
Nagaland, Meghalaya, Manipur, Tripura,
Mizoram and Arunachal Pradesh)
(through the Registrar General, Gauhati
High Court at Gauhati Assam-78001.
- 2. The Registrar General,**
Gauhati High Court,
Gauhati, Assam-78001.
- 3. The Registrar,**
Gauhati High Court,
Agartala Bench, Agartala,
Tripura, Pin-799001.
- 4. The State of Tripura,**
(Through the Department),
Govt. of Tripura, Agartala,
Pin-799001.
- 5. The High Court of Tripura,**
Represented by the
Registrar General, Agartala,
West Tripura, Pin-799006.

.....Respondents.

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

For the petitioner : Mr. S.M. Chakraborty, Sr. Advocate.
Ms. D. Das, Advocate.
For the respondents : Mr. T.D. Majumder, GA.
Ms. P. Dhar, Advocate.
Date of hearing & delivery
of Judgment & Order : **07.9.2015.**
Whether fit for reporting : **No.**

JUDGMENT & ORDER (ORAL)

The petitioner, who is a retired Judicial Officer, by means of this petition has prayed for issuance of a writ directing that he be considered for selection of Super Time Scale w.e.f. 01.01.1996 till his retirement on 07.10.1996.

2. The undisputed facts are that the petitioner joined Grade-I of the Tripura Judicial Service on 25.01.1983. He retired from Tripura Judicial Service on 07.10.1996 and thereafter, joined as Member of the Central Administrative Tribunal (CAT). In the year 2003 the Revised Pay Rules were issued by the Government of Tripura and a new post of Super Time Scale in Grade-I of the Tripura Judicial Service was created for promotion from amongst Selection Grade District Judges of the grade w.e.f. 01.01.1996. The petitioner claims that since he was the senior most District Judge in the Selection Grade at that time he should have been granted this Scale.

Another undisputed fact is that the petitioner was in fact granted Selection Grade on 25.01.1995. Here we may add that there is a later resolution of the Gauhati High Court in which this Selection

Grade has been granted to the petitioner w.e.f. 01.01.1996 but since the order granting him Selection Grade from 25.01.1995 was already existing and is found at page-27 of the writ petition, that order could not have been withdrawn without giving hearing to the petitioner. Therefore, he is deemed to be in the Selection Grade w.e.f. 25.01.1995.

3. The post of Super time scale (District Judge) did not exist prior to the amendment of the Rules in the year 2003. This Scale was created w.e.f. 01.07.1996. The relevant portion of the Schedule reads as follows:-

Existing Grade	Existing scale	Scale w.e.f. 01.01.1996	Grade w.e.f. 01.07.1996	Scale w.e.f. 01.07.1996	Remarks	Pay Fixation
			Super Time Scale	22850-500-24850	This scale would be available to holders of 10% of the District Judges and would be given to those who have put in not less than three years of continuous service as Selection Grade Dist. Judge. This scale shall be allowed on the assessment of merit-cum-seniority.	FR22(1)(a)(2)

This clearly shows that there was no pre-existing grade or Super time scale and w.e.f. 01.07.1996 the scale of Super time scale was introduced. The remarks column clearly shows that this scale would be available to holders of 10% of the District Judges and would be given to those who have put in at least three years of continuous service as Selection Grade District Judge on the basis of merit-cum-seniority.

4. The petitioner even as per his own averment was placed in the Selection Grade only on 25.01.1995. He would have completed three years in the Selection Grade on 24.01.1998 and was not eligible to be considered for being placed in the Super time scale prior to the said date.

5. The next grievance of the petitioner is that his juniors have been granted this Scale. However, from the record we find that the juniors have been granted this scale w.e.f. 01.01.1999 and 01.01.2003. By this time the petitioner had retired from the Tripura Judicial Service and had become a member of Central Administrative Tribunal and therefore, he could not have been placed in the Super time scale when he was no longer in service.

6. In this view of the matter we find no merit in this petition and accordingly, the same is dismissed. No order as to costs.

JUDGE

CHIEF JUSTICE

Satabdi