

Party Name : TRIDIP BANIK Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. Sarkar, learned counsel appearing for the petitioner as well as Mr. S. Chakraborty, learned Addl. G.A. for the respondents No. 1, 2 and 3. It transpires that the respondents No. 1, 2 and 3 has made an undertaking in their written instruction as produced by Mr. S. Chakraborty, learned Addl. G.A. that in future whenever the scope of training in MRI etc. would be available the petitioner would be accommodated.

Mr. D. Sarkar, learned counsel has submitted that the official respondents without following any transparent guidelines are accommodating the persons at their whim.

After they are trained, the petitioner is apprehensive that they would be given financial benefits, preference in the promotion or the upward movement in the service when, for no fault of the petitioner he would suffer. I find adequate substance in the submission of Mr. Sarkar, learned counsel appearing for the petitioner. But at the same time, the court can not just take a legalistic view when the state is not having the required guidelines. These arrangements therefore are treated by this court as a transitional arrangement subject to formulation of the proper guidelines within a reasonable time in as much simply because someone is posted in a far-flung area despite his all qualifications to get the training and the higher position in the seniority list cannot be deprived from the training. There must be a transparent policy for sending the persons for training as the trained people may be favoured with some incentive in the form of financial benefits or they may be given preference in the matter of promotion or the movement to the higher scale or in giving the assignments with higher responsibilities or even posting. This apprehensions are therefore not totally without any basis.

Having regard to the undertaking made before this court this court is disposing this writ petition in terms of the following directions on the respondents No. 1, 2 and 3 that in future the junior Radiographers who have been sent for the training in CT scan/ MRI shall not be given financial or service benefits depriving the petitioner or superseding his seniority position. Moreover, whenever the next opportunity would come the petitioner shall first be accommodated for such training as already two juniors of the petitioner have been sent for such training. The records as produced by Mr. S. Chakraborty, learned Addl. G.A. is returned.

With this observation and direction this petition is allowed to the extent as indicated above. There shall be no order as to costs.