

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.467 OF 2014

1. Sri Bidyut Kumar Roy,
S/O Late Kshitish Chandra Roy,
R/O G.C. Apartments, Khusbagan,
P.O. Agartala, West Tripura.

2. Sri Manik Dey,
S/O Late Arun Chandra Dey,
R/O Dimsagar, P.O. Agartala,
West Tripura.

..... *Petitioners*

- *Vs* -

1. The State of Tripura,
Represented by the Chief Secretary to the
Government of Tripura,
Secretariat, New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura.

2. The Commissioner-cum-Secretary,
Food, Civil Supplies & Consumer Affairs Department,
Government of Tripura,
New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura.

3. The Secretary,
Finance Department,
Government of Tripura,
New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura.

4. The Director,
Food, Civil Supplies & Consumer Affairs Department,
P.N. Complex, Gurkhabastee,
Agartala, West Tripura.

..... *Respondents*

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

For the petitioners : Mr. D.K. Biswas, Advocate

For the respondents : Mr. T. Dutta Majumder, G.A.

Date of hearing and
delivery of
Judgment & order : **10.07.2015**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

Heard learned counsel, Mr. D.K. Biswas for the petitioners and learned G.A., Mr. T. Dutta Majumder for the respondents.

2. The matter is taken up for final disposal at the admission stage itself.

3. Both the petitioners had been working as Private Secretary to the Hon'ble Judges of the Agartala Bench of the Gauhati High Court. Petitioner No.1 retired on 31.01.2011 and the petitioner No.2 retired on 28.02.2010. While they had been working as Private Secretaries to the Hon'ble Judges, in addition to their normal works, they were assigned the work of Private Secretary/Secretary to the State Consumer Commission and they performed their job. It is the case of the petitioners that for doing similar job in the States of Assam, Meghalaya and Mizoram the State Governments would pay 20 percent of the basic pay to the Private Secretaries/Secretaries to the Commission. The Chairman of the State Commission recommended that the petitioners should be paid 20 percent of their basic pay. Initially, they were paid very

meager amount and therefore they filed WP(C) No.52 of 2014 before this Court and by judgment dated 26.06.2014 this Court was pleased to dispose the writ petition with the following directions:

“[9] This Court fails to understand how this provision would be applicable to a person who is supposed to work as the Secretary to the Commission, not for additional hours in extension. Moreover, when the President had proposed the entitlement of 20% of the basic pay of the persons who had been engaged as the Secretary in addition to their substantive duties as the Private Secretary to the Hon’ble Judge of the Gauhati High Court, the Finance Department and the Director, Food, Civil Supplies & Consumer Affairs brushed aside that proposition, purportedly with the concurrence of the Finance Department. This Court is unable to accept the parallel drawn by virtue of rule 15(3) of the DFPRT, 1994 for rejecting the prayer of the petitioners for 20% of their basic pay as the remuneration. At the same time the Court is not competent to determine such issue. It appears that the impugned decision has been taken without considering the nature of duties that the petitioners had discharged. The Secretary of the Commission is required to function day to day basis, not on certain occasions. How can it be compared with the persons who are, on certain occasions in the same post, are asked to work for some additional hour? This aspect of the matter requires consideration by the competent authority. Accordingly, the Secretary, Food, Civil Supplies & Consumer Affairs, Government of Tripura and the Secretary, Finance Department, Government of Tripura are directed to reconsider the entire issue and to determine the remuneration having regards to the

observation made in the order and such consideration shall be completed without a period of 2(two) months from the date when the petitioners shall submit a copy of this order to the authorities named in this order.

With the direction as stated, this writ petition stands disposed of.

There shall be no order as to costs."

4. Pursuant to the above direction of this Court respondent No.4 by issuing a letter dated 29.09.2014(*Annexure-5* to the writ petition) addressed to the Secretary to the State Consumer Disputes Redressal Commission allowed honorarium at the rate of ₹1,000/- per month to the petitioners but what the petitioners claimed and what was recommended by the President of the State Commission has not been considered by the respondents. It is the grievance of the petitioners that *Annexure-5* to the writ petition, *i.e.* the communication made by the Director of Food, Civil Supplies and Consumer Affairs to the Secretary to the State Consumer Disputes Redressal Commission is unreasonable and therefore prayed for setting aside the same and further prayed for directing the respondents to consider the issue in the light of the decision of the other similar North Eastern States and in the light of the recommendation made by the President of the State Commission.

5. It is not in dispute that for doing similar job the State Governments of Assam, Meghalaya and Mizoram paid 20 percent of the basic pay to the Private Secretaries of the Hon'ble Judges who are similarly situated to that of the petitioners. Those are instances

not binding on the State Government. It is a fact that the President of the State Commission recommended similar payment of honorarium, *i.e.* at the rate of 20 percent of the basic pay like other States. The issue what is raised by the petitioners has already been considered by this Court by judgment dated 26.06.2014 in WP(C) No.52 of 2014. In compliance of the order passed by this Court, the State respondents by the impugned letter dated 29.09.2014 (*Annexure-5* to the writ petition) allowed honorarium at the rate of ₹1,000/- per month. The respondents by filing counter submitted that the then President of the State Commission, Justice P.K. Sarkar by writing a letter to the Chief Minister stated that there was a consultation with him and a proposal was initiated to pay honorarium at the rate of ₹1,000/- per month and taking into account that proposal the State Government in compliance of the order passed by this Court allowed honorarium at the rate of ₹1,000/- per months. Therefore, it cannot be said that the direction issued by this Court has not been complied with. I therefore find no reason to issue any further direction on the issue and the writ petition, therefore, stands dismissed.

6. No order as to cost.

JUDGE