HIGH COURT OF TRIPURA
AGARTALA

WA 7 OF 2020

The State of Tripura & Ors. ….Petitioner(s)

Vrs.

Jamuna Debbarma & Ors. ….Respondent(s)

For the petitioner (s) : Mr. D. Bhattacharya, G.A.

For the respondent(s) : Mr. Somik Deb, Advocate.
Mr. A. Dey, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR.JUSTICE ARINDAM LODH

Order

18/02/2020

This appeal is filed by the State to challenge the judgment of the learned Single Judge dated 31.05.2019 passed in Writ Petition (C) No.603/2019. It is undisputable that the issues involved in this appeal are squarely covered by the decision of Division Bench of this Court in Case of ***Babul Debnath & Ors. Vs. The State of Tripura***, dated 21.01.2019 in ***WP(C) 435/2018*** in which following observations were made:

> *"7. It is the petitioners' grievance that notwithstanding the directions issued by this Court, unambiguous in nature, the State Government, in utter disregard, rather in contempt, have issued fresh letters of appointment, completely ignoring the past services so rendered by them and treating their service as a fresh from the date of their selection so undertaken pursuant to and in terms of fresh selection process.*
>
> *8. Well, to our mind, this exercise undertaken by the Government is not in the spirit, rather in utter disregard of the directions issued by this Court. The directions as we have already expressed are unambiguously clear. Past service rendered by a candidate, who was selected and had discharged his/her duties had to be counted for the purposes of seniority, pension and all other benefits. Candidates stood selected to the very same post.*
>
> *9. As such, in our considered view, the writ petition needs to be allowed with a direction to the State to treat the past service of each one of the petitioner(s), so rendered in relation to the earlier selection process, for the purposes of seniority, pension*

and all other benefits. All consequential action shall positively be undertaken by the State within a period of 3(three) months. Equally, monetary benefits, if any, shall be disbursed within the aforesaid period.

10. In view of the aforesaid observations, the present petition stands disposed of, reserving liberty to the writ petitioners to seek further direction(s), if so required, by way of separate application in these proceedings. Pending application(s), if any, also stand disposed of accordingly."

In the result, the writ appeal is dismissed and accordingly disposed of.

HIGH COURT OF TRIPURA

(ARINDAM LODH), J **(AKIL KURESHI),CJ.**

सत्यमेव जयते