HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.20 of 2020

Sri Dhananjoy Debbarma .....Petitioner(s)

Versus

The State of Tripura & others .....Respondent(s)

WP(C) No.21 of 2020

Sri Parba Kumar Tripura .....Petitioner(s)

Versus

The State of Tripura & others .....Respondent(s)

WP(C) No.22 of 2020

Sri Bhabani Charan Jamatia .....Petitioner(s)

Versus

The State of Tripura & others .....Respondent(s)

WP(C) No.23 of 2020

Sri Bijan Debbarma .....Petitioner(s)

Versus

The State of Tripura & others .....Respondent(s)

WP(C) No.24 of 2020

Sri Srijan Chakma .....Petitioner(s)

Versus

The State of Tripura & others .....Respondent(s)

_B_E_ F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

For Petitioner(s) : Mr. S.M. Chakraborty, Sr. Advocate,
Ms. Ankita Pal, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A.,
Mr. Raju Datta, Advocate.

Date of hearing
& judgment : ***26th February, 2020***.

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

These petitions arise in common background and would be disposed of by this common judgment.

Grievance of the petitioners is that though they are qualified and eligible for promotion to the post of Tripura Engineering Service (TES) Grade-III from TES Grade-IV which post they are holding, the respondents are not granting such promotions since long.

The short defence of the respondents is that on account of pendency of SLP before the Supreme Court against the judgment of the full Bench of this Court in case of *Jayanti Chakraborty and others* and the interim orders passed by the Supreme Court, it is not possible for the State administration to proceed further with the exercise of granting promotions to the petitioners. The interim orders passed by the Supreme Court are brought to my notice. The first interim order is dated 27.07.2015 in which the Supreme Court directed the parties to maintain *status quo*. However, the data for collecting the information as postulated in

the judgment of the Supreme Court in case of *Nagaraj* would continue. Further order was passed on 13.02.2017 where *status quo* was modified partially to the effect that the report of the State Scheduled Caste/Scheduled Tribe Commission may be placed before the Cabinet for appropriate decision. Further order was passed on 14.11.2017 when the Supreme Court referred the issue to larger Bench.

In view of these facts, it is not possible to issue a direction as prayed for in these petitions. Reference made by the learned senior counsel for the petitioners to a promotional order dated 07.12.2018 promoting few TES Grade-IV officers to TES Grade-III service. This is, however, explained by the respondents in the reply stating that by virtue of the judgment of this Court in case of *Tribal Engineers' Society, Tripura* dated 31.03.2014 in WP(C) No.301 of 2006 which was confirmed by the Division Bench later on, in favour of the petitioners therein the Government had to reckon their past service for the purpose of seniority. It was on account of this that these persons were given promotions with retrospective effect which is vastly different from the case of the petitioners.

Under the circumstances, at this stage, no directions can be issued to the respondents for granting promotions to the petitioners. However, once the dispute is resolved before the Supreme Court, I am sure the State would take up the exercise for filling up the promotional posts in full earnest.

With these observations, all the petitions are disposed of.

Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

Dipesh

HIGH COURT OF TRIPURA
सत्यमेव जयते