THE HIGH COURT OF TRIPURA
A G A R T A L A

WP(C) No.300 of 2018, WP(C) No.301 of 2018, WP(C) No.302 of 2018, WP(C) No.303 of 2018, WP(C) No.412 of 2018, WP(C) No.418 of 2018, WP(C) No.419 of 2018, WP(C) No.420 of 2018, WP(C) No.421 of 2018, WP(C) No.422 of 2018, WP(C) No.423 of 2018, WP(C) No.424 of 2018, WP(C) No.425 of 2018, WP(C) No.598 of 2018, WP(C) No.599 of 2018, WP(C) No.600 of 2018, WP(C) No.601 of 2018 and WP(C) No.602 of 2018.

In WP(C)No.300 of 2018

Petitioner:

Smt. Bobi Datta,
daughter of Sri Santosh Chandra Datta,
resident of Ramnagar Road No.8(1st Lane),
Agartala, P.O. Ramnagar, P.S. West Agartala,
District : West Tripura, PIN : 799002

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, West Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. D. Sharma, Addl. G.A.

In WP(C) No. 301 of 2018

Petitioner :

Sri Prasad Biswas,
son of Pranab Kanti Biswas,
resident of P.O. Paiturbazar,
Durgapur, Kailashahar,
Unakoti Tripura,
PIN : 799279

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, Unakoti, Tripura,**
Agartala, PIN : 799277

By Advocate :

Mr. D. Sharma, Addl. G.A.

In WP(C) No. 302 of 2018

Petitioner :

Smt. Dipika Barman,
wife of Sri Manish Saha,

resident of Dhaleshwar Road No.16,
P.O. Dhaleshwar, P.S. East Agartala,
District : West Tripura,
PIN : 799007

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, West Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. D. Sharma, Addl. G.A.

<u>In WP(C) No. 303 of 2018</u>

Petitioner :

Smt. Soma Das,
wife of Sri Siddhartha Sankar Deb,
resident of Ramnagar Road No.2,
Agartala, P.O. Ramnagar, P.S. West Agartala,
District : West Tripura, PIN : 799002

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
   represented by the Secretary, Finance Department,
   Government of Tripura, New Secretariat Complex,
   Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
   Government of Tripura, New Secretariat Complex,
   Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
   R.D. Department, P.N. Complex, Gorkhabasti,
   Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, West Tripura,**
   Agartala, PIN : 799001

By Advocate :

Mr. D. Sharma, Addl. G.A.

In WP(C) No. 412 of 2018

Petitioner :

Sri Amlan Jyoti Das,
son of late Barun Chandra Das,
resident of Joynagar, Nabadiganta Lane,
Agartala, Tripura West, PIN : 799001

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
   represented by the Secretary, Finance Department,
   Government of Tripura, New Secretariat Complex,
   Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, West Tripura,
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 418 of 2018

Petitioner :

Sri Santanu Debnath,
son of late Dr. Kameshwar Debnath,
resident of 30 Dhaleshwar, P.O. Agartala College,
P.S. East Agartala, District : West Tripura,
PIN : 799004

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. The State of Tripura,
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, West Tripura,
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 419 of 2018

Petitioner :

Sri Suraktim Goswami,
son of late Sunil Kumar Goswami,
resident of Type 75 Banamalipur,
Pandit Kali Prasanna Sarani, Agartala,
PIN : 799001

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. The State of Tripura,
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, West Tripura,
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 420 of 2018

Petitioner :

Sri Gajendra Malakar,
son of late Harendra Malakar,
resident of Type III/E/2 Government
Quarters Complex, Rabindra Palli, Agartala,
PIN : 799001

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, West Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 421 of 2018

Petitioner :

Sri Sanjoy Debroy,
son of late Sukhendu Bikash Debroy,
resident of Village-Boulapasa,

P.O. & P.S. Kailashahar, Kailashahar,
PIN : 799277

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, North Tripura,**

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 422 of 2018

Petitioner :

Sri Satyapriya Das,
son of late Sukumar Das,
resident of Ward No.8, P.O.Kailashahar,
P.S. Kailashahar, District : Unokati, Tripura

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, North Tripura,**

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 423 of 2018

Petitioner :

Sri Subrata Baidya,
son of Sri Balai Chand Baidya,
resident of New Town Road, Udaipur,
South Tripura, PIN : 799120

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, South Tripura,

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 424 of 2018

Petitioner :

Sri Subrata De,
son of Sri Sukhamoy De,
resident of Sarat Sarani, Dharmanagar,
P.O. Dharmanagar, District : North Tripura,
PIN : 799250

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. The State of Tripura,
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, North Tripura,

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 425 of 2018

Petitioner :

Smt. Sanghita Biswas,
wife of Sri Puru Saha,
resident of Krishnanagar, Natun Palli,
Agartala, P.O. Agartala, P.S. West Agartala,
District : West Tripura, PIN : 799001

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. The State of Tripura,
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. The Secretary, Rural Development Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. The Chief Engineer,
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, Sepahijala,
PIN : 799102

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 598 of 2018

Petitioner :

Sri Apu Ranjan Kar,
son of late Kamal Ranjan Kar,
resident of A.D. Nagar, Beltali,
Agartala, West Tripura,
PIN : 799003

By Advocate :
Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, Sepahijala Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 599 of 2018

Petitioner :

Sri Partha Debnath,
son of Sri Arun Chandra Debnath,
resident of Kalyani, Dhaleswar,

P.O. Dhaleswar, P.S. East Agartala,
District : West Tripura, PIN : 799007

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, Sepahijala Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 600 of 2018

Petitioner :

Sri Debasis Sarkar,
son of Sri Gopal Chandra Sarkar,
resident of Belonia, Municipal Ward No.2,
1 number Tilla, P.O. Belonia,
District : South Tripura,
PIN : 799155

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
   represented by the Secretary, Finance Department,
   Government of Tripura, New Secretariat Complex,
   Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
   Government of Tripura, New Secretariat Complex,
   Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
   R.D. Department, P.N. Complex, Gorkhabasti,
   Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, West Tripura,**
   Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 601 of 2018

Petitioner :

Sri Sudhangshu Bhowmik,
son of Monoranjan Bhowmik,
resident of Village-Dakshin Nalchar,
P.O. Nalchar, P.S. Melagarh, Sonamura,
District : Sepahijala, PIN : 799115

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
   represented by the Secretary, Finance Department,
   Government of Tripura, New Secretariat Complex,

Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**
R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. **D.M. & Collector, Sepahijala Tripura,**
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

In WP(C) No. 602 of 2018

Petitioner :

Sri Dhananjoy Debnath,
son of late Haridas Debnath,
resident of West Barjala, Jirania,
Jirania, Tripura West, PIN : 799046

By Advocate :

Mr. K. Nath, Advocate

-V E R S U S-

Respondents:

1. **The State of Tripura,**
represented by the Secretary, Finance Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

2. **The Secretary, Rural Development Department,**
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN : 799006

3. **The Chief Engineer,**

R.D. Department, P.N. Complex, Gorkhabasti,
Agartala, West Tripura, PIN : 799006

4. D.M. & Collector, West Tripura,
Agartala, PIN : 799001

By Advocate :

Mr. A. Bhowmik, Adv.

For the Petitioner(s)	:	Mr. K. Nath, Adv.
For the Respondent(s)	:	Mr. D. Sharma, Addl. G.A. Mr. A. Bhowmik, Adv.
Date of delivery of Judgment and Order	:	07.12.2020
Whether fit for reporting	:	No

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

JUDGMENT & ORDER(ORAL)

Heard Mr. K. Nath, learned counsel appearing for the petitioners as well as Mr. D. Sharma, learned Addl. G.A. and Mr. A. Bhowmik, learned counsel appearing for the respondents.

2. All these writ petitions being WP(C)No.300 of 2018 [Sri Bobi Datta versus State of Tripura and Others], WP(C)No.301 of 2018 [Sri Prasad Biswas versus State of Tripura and Others], WP(C)No.302 of 2018 [Sri Dipika Barman versus State of Tripura and Others], WP(C)No.303 of 2018 [Smt. Soma Das versus State of Tripura and Others], WP(C) No.412 of 2018 [Sri Amlanjyoti Das versus State of Tripura and Others], WP(C)No.418 of 2018 [Sri Santanu Debnath

versus State of Tripura and Others], WP(C)No.419 of 2018 [Sri Suraktim Goswami versus State of Tripura and Others], WP(C)No.420 of 2018 [Sri Gajendra Malakar versus State of Tripura and Others], WP(C)No.421 of 2018 [Sri Sanjoy Debroy versus State of Tripura and Others], WP(C)No.422 of 2018 [Sri Satyapriya Das versus State of Tripura and Others], WP(C)No.423 of 2018 [Sri Subrata Baidya versus State of Tripura and Others], WP(C)No.424 of 2018 [Sri Subrata De versus State of Tripura and Others], WP(C)No.425 of 2018 [Smt. Sanghita Biswas versus State of Tripura and Others], WP(C)No.598 of 2018 [Sri Apu Ranjan Kar versus State of Tripura and Others], WP(C)No.599 of 2018 [Sri Partha Debnath versus State of Tripura and Others], WP(C)No.600 of 2018 [Sri Debasis Sarkar versus State of Tripura and Others], WP(C)No.601 of 2018 [Sri Sudhangshu Bhowmik versus State of Tripura and Others] and WP(C)No.602 of 2018 [Sri Dhananjoy Debnath versus State of Tripura and Others] are combined for disposal by a common judgment inasmuch as the controversies as rasied in the writ petition are of the identical nature. Even the reliefs as prayed in these writ petitions are same. The writ petitioners have urged this court to direct the respondents to grant the benefit of CAS-1 meaning upgrading their pay scale to Rs.10,000-15,000/-[PB-4] with grade pay of Rs.4,500/- on completion of eight years of service from the date of their appointment on fixed pay basis. It has been further urged that the respondents be directed to grant the petitioner the benefit of ACP-2 meaning further upgrading the pay scale to Rs.15,600-39,100/- [PW-4] with grade pay of Rs.7000/- on completion of seventeen years of service in the same post/grade

without promotion or in terms of Rule 10(1) of Tripura State Civil Services (Revised Pay) Rules, 2009.

3. All the petitioners have claimed that they have completed seventeen years of service in the same grade and as such, they are entitled both the benefits. For purpose of placing the information against each of the petitioners, as provided by the petitioners, in support of their claims, a table has been formed below :

SL. No.	Name of the petitioner with writ petition number	Date of initial appointment with the name of the post	Date of completing eight and ten years of service in the said post	Date of completing seventeen years of service in the said post
1.	Smt. Bobi Datta, the writ petitioner of WP(C)No.300 of 2018	19.08.1998, Junior Engineer Grade-I under Rural Development Department.	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
2.	Sri Prasad Biswas, the writ petititioner of WP(C)No.301 of 2018	19.08.1998, Junior Engineer Grade-I under Rural Development Department.	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
3.	Sri Dipika Barman, the writ petitioner of WP(C)No.302 of 2018	19.08.1998, Junior Engineer Grade-I under Rural Development Department.	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
4.	Smt. Soma Das, the writ petitioner of WP(C) No.303 of 2018	19.08.1998, Junior Engineer (Civil) Grade-I under Rural Development Department.	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.

5.	Amlanjyoti Das, the writ petitioner of WP(C)No.412 of 2018	29.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	29.08.2006/29.08.2008	29.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
6.	Sri Santanu Debnath, the writ petitioner of WP(C)No.418 of 2018	28.08.1998, Junior Engineer(Mechanical) Grade-I under Rural Development Department.	28.08.2006/28.08.2008	28.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
7.	Sri Suraktim Goswami, the writ petitioner of WP(C)No.419 of 2018	31.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	31.08.2006/31.08.2008	31.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
8.	Sri Gajendra Malakar, the writ petitioner of WP(C)No.420 of 2018	18.08.1998, Junior Engineer (Civil) Grade-I under Rural Development Department.	18.08.2006/18.08.2008	18.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
9.	Sri Sanjoy Debroy, the writ petitioner in WP(C)No.421 of 2018	01.04.1999, Junior Engineer (Civil) Grade-I under Rural Development Department.	01.04.2007/01.08.2009	01.08.2016 in the post of Junior Engineer Grade-I under Rural Development Department.
10.	Sri Satyapriya Das, the writ petitioner of WP(C)No.422 of 2018	10.08.1998, Junior Engineer (Civil) Grade-I under Rural Development Department.	10.08.2006/10.08.2008	10.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
11.	Sri Subrata Baidya, the writ petitioner of WP(C)No.423 of 2018	19.08.1998, Junior Engineer	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I

		(Mechanical) Grade-I under Rural Development Department.		under Rural Development Department.
12.	Sri Subrata Dey, the writ petitioner of WP(C)No.424 of 2018	07.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	07.08.2006/07.08.2008	07.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
13.	Smt. Sanghita Biswas, the writ petitioner of WP(C)No.425 of 2018	19.08.1998, Junior Engineer (Civil) Grade-I under Rural Development Department.	19.08.2006/19.08.2008	19.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
14.	Sri Apu Ranjan Kar, the writ petitioner of WP(C)No.598 of 2018	18.08.1998, Junior Engineer (Civil) Grade-I under Rural Development Department.	18.08.2006/18.08.2008	18.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
15.	Sri Partha Debnath the writ petitioner of, WP(C)No.599 of 2018	31.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	31.08.2006/31.08.2008	31.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
16.	Sri Debasis Sarkar, the writ petitioner of WP(C)No.600 of 2018	20.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	20.08.2006/20.08.2008	20.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.
17.	Sri Sudhangshu Bhowmik, the writ petitioner of WP(C)No.601 of 2018	31.08.1998, Junior Engineer (Mechanical)	31.08.2006/31.08.2008	31.08.2015 in the post of Junior Engineer Grade-I under Rural

		Grade-I under Rural Development Department.		Development Department.
18.	Sri Dhananjoy Debnath, the writ petitioner of WP(C)No.602 of 2018	31.08.1998, Junior Engineer (Mechanical) Grade-I under Rural Development Department.	31.08.2006/31.08.2008	31.08.2015 in the post of Junior Engineer Grade-I under Rural Development Department.

***Date of initial appointment as shown in the above table is as per statement and the records produced by the writ petitioners. If there is any ambiguity or discrepancy, the authenticated service records of the petitioners shall prevail.

4. It may be further noted that in the writ petition, excepting three writ petitions the full records as referred in the writ petitions are not available, but the records releating to their personal information are available. Full records as referred in the writ petitions are available in those writ petitions being WP(C)No.300 of 2018 [Bobi Datta vs. State of Tripura and Others], WP(C)No.412 of 2018 [Amlanyoti Das vs. State of Tripura and Others] and WP(C)No.598 of 2018 [Apu Ranjan Kar vs. State of Tripura and Others]. In those cases referred as "the lead case", the full records have been supplied. In other writ petitions, where the full records are not available, the references to those lead cases have been made.

5. On further perusal of the records ofr individual cases, it surfaces that the records produced in the writ petitions being WP(C)No.300 of 2018 [Bobi Datta vs. State of Tripura and Others], WP(C)No.412 of 2018 [Amlanyoti Das vs. State of Tripura and Others] and WP(C)No.598 of 2018 [Apu Ranjan Kar vs. State

of Tripura and Others] are exactly similar. Hence, this court would read the records from those three cases but the records relating to the individual writ petitions would also be read for purpose of finding the fact relating to their appointments etc.

6. There is no dispute that the petitioners were initially appointed as the Junior Engineer [Grade-I] against the respective branches of Engineering in terms of the notification under No.F.9(33)-RD/94(P-I) dated 21.11.1997 [Annexure-2 to the writ petition] on fixed pay basis. By the said notification, applications were invited from the Indian Nationals for recruitment to sixty fixed pay posts of Junior Engineer Grade-I [Group-B non-gazetted] and for twelve fixed pay posts of Junior Engineer Grade-II [Group-C non-gazetted]. Essential qualification as sought was the degree in Engineering for Junior Engineer Grade- I and Diploma in Engineering for Grade-II posts in the respective branch of Engineering. It is not required to mention that the age and other desirable qualification was also adverted by the said notification dated 21.11.1997. Following a uncontroverted selection process, the appointments of the petitioner were made subject to six conditions including that the appointment shall be purely on temporary basis and that the candidates will have no right to claim absorption in the post. The petitioners however has seriously contested that fact on the basis of the memorandum bearing No.F.9(33)-RD/94(P-I) dated 11.11.1997, which is relevant for creation of posts. According to the petitioners, the posts those were adverted were created by the said memorandum. But from

a reading of the said memorandum dated 11.11.1997, it surfaces that there were only 18 posts for Junior Engineer, Grade-I were created and as such, the said document cannot stand to show that 60 vacancies of Junior Engineers, Grade-I declared to be filled up can be related to the said memorandum dated 11.11.1997. It may be so that 18 posts of Junior Engineer Grade-I were added to the vancancies, otherwise available at that point of time. There is no dispute that different District Magistrates and Collector on the basis of the selection procedure as conducted for appointment to the post of Junior Engineer, Grade-I for the Rural Development Department appointed the petitioners on those fixed pay posts.

7. The petitioners were appointed by the respective District Magistrate and Collector of the District in the post of the Junior Engineer, Grade-I on diverse dates as shown in the table above. On 16.11.2001, the Tripura Public Service Commission published an advertisement for filing up of 30 posts of Junior Engineers, Grade-I [Civil] and 15 posts of Junior Engineer, Grade-I [Mechanical]. The petitioners being eligible for the post of Junior Engineer, Grade-I had applied and were duly selected. On the basis of the recommendation made by the Tripura Publice Service Commission, the District Magistrates and Collector had appointed the petitioners in the post of Junior Engineer, Grade-I on the fixed pay of Rs.6,500/- in the scale of pay of Rs.6,500-12,300/- with other allowances as admissible.

8. By the memorandum dated 30.04.2002, the petitioners were granted the pay scale of Rs.6,500-12,300/-. By the memorandum dated 29.07.2002 [Annexure-8 to the writ petition] issued by the Finance Department it was clarified that the Junior Engineers both Degree and Diploma holders and who were appointed on fixed pay basis on various departments against the posts created with concurrence of the Finance Department and who were physically occupying such posts was allowed the said scale of pay with effect from 01.05.2002 in terms of the memorandum dated 30.04.2002.

9. Later on, in pursuance to the notification 17.11.2004 the pay scale of Rs.6,500-12,300/- was revised to Rs.7,450-13,000/- w.e.f. 01.05.2002. The petitioners have claimed to be entitled to the first upgradation of pay scale [CAS-1] in terms of the ROP Rules, 1999 on completion of eight years of service in the same post without promotion, but the petitioners were not given such upgradation on completion of eight years of service. The petitioners were entitled to the ugraded pay scale of Rs.10,000/-15,100/- after the said eight years of service for being stagnated in the same post. It has been asserted that the degree holder Engineers in the Tripura Engineering Service/Tripura Power Engineering Service were entitled to the scale up-gradation on completion of eight years of service. Even though the petitioners have sought to draw a parallel with the Engineers borne in the cadre services viz. Tripura Engineering Service/Tripura Power Engineering Service, but admittedly the petitioners were not borne in any such cadre. By the Tripura State Civil Services [Revised Pay] 15th Amendement

Rules, 2004, it has been provided that the Junior Engineer Grade-I belonging to all departments outside the cadre service [Degree holder] will move to CAS-1 on completion of eight years of continuous and satisfactory service. The relevant entry from the said Amendment Rule so far the Junior Engineers, Grade-I outside the cadre are concerned is extracted herein below :

Department/ Page No. & Sl. No.	Name of post	Prefix/Suffix to the post	Existing scale	Revised scale w.e.f. 1.1.1996	Name of post	Modified scale of pay w.e.f. 1.1.1996	Remarks
	Junior Engineer Grade-I belonging to all Departments outside the cadre services viz. Tripura Engineering Service and Tripura Power Engineering Service		2000-4410 2100-4410	6500-12300 7450-13000 (As per the Court's Order in favour of Degree holder Jr. Engineer/Jr. Engineer Gr-I belonging to PWD/Power Department)	Junior Engineer Gr-I	7450-13000	Entry scale for Degree holder. They will move to CAS-I scale on completion of 8 years of continuous and satisfactory service

10. The petitioner has as well referred the proviso to Rule 10(1) in order to substantiate their claim that they are entitled to count the required period of service from the day when they were appointed on fixed pay basis. For purpose of reference the said proviso is also extracted hereunder :

> **"Provided that for the purpose of the sub-rule, while counting the required period of service, the fixed pay period of service rendered by an employee, who was recruited on fixed pay basis keeping the regular scale posts in abeyance and after observing all required formalities including adherence to the provision of the concerned service or Recruitment Rules, shall be taken into consideration."**

But none of the petitioners was recruited on the fixed pay basis keeping the regular scale post in abeyance. The said scheme was introduced in the year 2001, whereas all the petitioners were engaged or recruited before 1999 [see the table in para-3].

11. It is an admitted fact that on completion of ten years service the petitioners were moved to the pay scale of Rs.13,595-37,000/- from the scale of pay of Rs.9,470-30,000/-. Even the petitioners have contended that by the First Amendment to the Recruitment Rules for the Junior Engineer, Grade-I and Junior Engineer, Grade-II under the Rural Development Department as published by the notification dated 07.05.2005, it has been provided that on completion of eight years of satisfactory and continuous service, the Junior Engineers, Grade-I shall get the upgradation of scale [CAS-1 scale]. The petitioners have also contended that in terms of the said Rule one Prabir Majumder Junior Engineer, Grade-I and Himanish Saha Junior Engineer, Grade-I were allowed movement to the next scale [CAS-1] on completion of eight years continuous and satisfactory service as they were not granted any promotion. Even, under 15th Amendment of ROP Rules, 1999 the Junior Engineers, Grade-I were entitled to up-gradation of scale on completion of their eight years of continuous and satisfactory service.

12. Further, the petitioners have referred the case of one Dhananjoy Debnath, Junior Engineer, Grade-I to show that his fixed pay service was counted for purpose of the required period of service for getting the upgradation of scale. For this purpose, the order dated 09.06.2014 [Annexure-15 to the writ petition]

and the corrigendum dated 21.06.2014 [Annexure-17] may be referred. When in the order dated 09.06.2014, it is provided that the date of "*first entry in the government service in the fixed pay",* by the corrigendum, it was made to "*date of first entry in govt. service under regular pay scale"*. There is no dispute that on completion of ten years of service one of the petitioners namely Apu Ranjan Kar were granted the higher pay scale i.e. Rs.13,575-37,000/- [ACP-1] with the grade pay of Rs.3,700/-. Similarly, it would be apparent from the paras-30,31 and 32 in WP(C)No.300 of 2018 that it has been averred further that on completion of ten years of service, the writ petitioners along with several Junior Engineers borne in Grade-I or Grade-II were granted ACP-1 without counting their fixed pay service. Hence, the petitioners have urged this court for directing the respondents to grant the benefit of CAS-I to the petitioners i.e. Rs.10,000-15,000/- [PB-4] with grade pay of Rs.4,500/- on completion of eight years of service including the fixed pay service. It has further urged that on completion of seventeen years of service including the fixed pay period in the same post without promotion or under Rule 10(1) of ROP Rules, 2009, the petitioners be given the pay scale of Rs.15,600-39,100/- [PB-4] with grade pay of Rs.7,000/-.

13. The respondents have vehemently opposed the said prayer and for this purpose, they have referred to the memorandum dated 11.11.1997 [Annexure-1 to the writ petition] and the notification dated 21.11.1997 [Annexure-2 to the writ petition] to show that those posts were created as the temporary posts and the employment notification was issued for recruiting in

those posts on fixed pay basis. The recruitment was entirely temporary as would be evident from the memorandum dated 25.07.1998 [Annexure-3 to the writ petition].

14. In order to rebut the claim of the petitioners, a reference has been to the order dated 08.07.2005 [Annexure-14] whereby Prabir Majumder, Junior Engineer Grade-I and Hemanish Saha, Junior Engineer Grade-I on completion of eight years of service were moved to the next scale of Rs.10,000-15,100/-. It has been shown that such benefit has been granted to those Junior Engineer, Grade-I on completion of their eight years of regular service in terms of the 15th Amendment Rules, 2004. But from the order dated 10.06.2014 [Annexure-15] it is apparent that one Junior Engineer, Grade-I namely Dhananjoy Debnath was moved to ACP-I scale after ten years of satisfactory service. Even one of the petitioner namely Apu Ranjan Kar was moved to the higher scale being Rs.13,575-37,000/- with grade pay of Rs.37,000/- [ACP-1] on completion of ten years of regular service. So far the petitioner namely Apu Ranjan Kar [the writ petitioner of WP(C)598 of 2018] is concerned his date of entry in the government service has been shown as 01.05.2002 in the order dated 24.12.2012 [Annexure-17 to the writ petition] and he was moved to the said higher scale on 01.05.2012, meaning on completion of ten years of service after grant of the regular pay scale.

15. The petitioners have relied the orders dated 23.02.2015 [Annexure-20 to the writ petition] and 23.03.2016 [Annexure-21 to the writ petition]. From a

reading of the order dated 23.02.2015, it appears that Rule 10(1) of the ROP Rules, 2009 provides that on completion ten, seventeen and twenty five of regular and satisfactory service in the same grade without any promotion or with promotion, an employee would be entitled to the scale up-gradation under Assured Career Progression scheme. The order dated 23.03.2016 stands to show how on completion of seventeen years of regular service, one Junior Engineer namely Md. Abdul Rahim was moved to the upgraded scale [ACP-2]. A similar order in respect of one Abhijit Chakraborty has been referred by the writ petitioners.

16. The respondents have categorically asserted that the petitioners were selected through a departmental selection process, not in the manner as prescribed in the Recruitment Rules for purpose of recruitment on the fixed pay basis. That is why the Junior Engineers so recruited had been treated outside the regular establishment and for their regularisation, the prescribed method was followed. As per the government policy, the petitioners' past service is liable to be counted for pension and other benefits, but the period of fixed pay will not be added for purpose of completion of eight or ten, seventeen and twenty five years of service in terms of ROP Rules. Those respondents have mentioned that ROP Rules, 2009 came into force with retrospective effect from 01.01.2006 by repealing ROP Rules, 1999 and as such, those who had completed eight years of service on or before 31.12.2005, were brought under Career Advancement Scheme (CAS) in terms of the ROP Rules, 1999. But the petitioners did not

complete their required period on or before 31.12.2005 from the day when on recommendation of the Tripura Public Service Commission, they were required. They were thus granted benefit, as stated before under ACP-1 as none of the petitioners did complete eight years of "regular service" in terms of Rule 10(1) of the ROP Rules, 1999. Hence, none of them got the benefit of scale up-gradation on completion of eight years of satisfactory and continuous service. As stated, they have been given the benefit of ACP-1, after completion of ten years of regular and satisfactory service in terms of Rule 10(1) of ROP Rules, 2009 and they will be governed by the said rule.

17. In para-19 of the reply filed by the respondents, they have averred as follows :

> **"That in regard to the contention made paragraph 26-27 of the writ petition it is stated that the petitioner is not entitled for the benefit of Career Advancement Scheme (CAS-I) after completion of 8 yrs. of service counting from May' 2003 as before completing 8 yrs of service ROP 2009 came into force with retrospective effect from 01.01.2006. The petitioner was granted with the benefit of Assured Career Progresssion-1 (ACP-1) at the pay scale of Rs.7800-15100/- after completion of 10 yrs continuous and satisfactory service as per provision prescribed under clause 10(1) of ROP 2009."**

The factual correctness of the said statement has not been questioned.

18. The pertinent questions that fall for consideration are that (i) whether the petitioners were entitled to move to CAS-1 on completion of eight years of service counting their service from the day of their fixed pay appointment or otherwise or whether the proviso to Rule 10(1) of the ROP Rules, 1999 would

apply in the case of the petitioners and (ii) whether the petitioners were entitled to count their fixed pay services for attaining the benefits under ACP ?

Rule 10(1) of ROP Rules, 1999 is unambiguous. Rule 10(1) of the ROP Rules, 1999 read with the Amendment Rule, provides that on completion of eight years of regular and satisfactory service the scale upgradation would be entitled to a person if he had completed eight years of regular service, meaning completion of the required period in the regular scale against a regular post. Admitted position is that the petitioners were appointed on fixed pay basis and they got their regularisation on diverse dates. Before 31.12.2005 none of the petitioners had completed eight years of continuous and satisfactory service in the regular post proviso below Rule 10(1) of the ROP Rules, 1999 cannot be applied in the case of the petitioners inasmuch as they were not appointed in a post on fixed pay basis after keeping the regular scale post in abeyance. So far the question as raised in relation to provision made by the first amendment in the said Recruitment Rules for the Junior Engineer, Grade-I and Junior Engineer, Grade-II under the Rural Development Deparment that on completion of eight years of service there shall be an up-gradation of pay scale is concerned, this court is of the view that the same will not apply in the cases of the petitioners. The said rule has been eclipsed by Rule 10(1) of the ROP Rules, 2009 which is a special rule for purpose of revision of pay scales and the rules for its operation. From 01.01.2006, the petitioners were governed by the Assured Career Progression (ACP) under Rule 10(1) and Rule 10(2) of the ROP Rules, 2009. They

have given the said benefits. As their fixed pay service cannot be added to the period required for scale up-gradation, the reliefs as claimed by the petitioner cannot be granted.

Hence, the petitioners cannot claim even the pay up-gradation after completion of eight years of satisfactory service.The respondents have moved them to the higher pay scale on completion of ten years of service under ACP [see Rule 10(1) of ROP Rules, 2009].

This court does not find, therefore, any infirmity in the action. As such, this writ petition is liable to be dismissed and accordingly it is dismissed.

There shall be no order as to costs.

JUDGE

Sabyasachi B