IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.375 of 2020

Sri Abhijit Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.376 of 2020

Sri Samaresh Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.377 of 2020

Sri Prasenjit Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.378 of 2020

Sri Somnath Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.379 of 2020

Sri Prabhat Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.380 of 2020

Sri Suresh Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.382 of 2020

Sri Nitai Bhattacharjee

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.383 of 2020

Sri Ajitmani Bangcher

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

HIGH COURT OF TRIPURA

For Petitioner (s)	:	Mr. A.T. Paul, Adv.
For Respondent (s)	:	Mr. D. Bhattacharjee, G.A.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

06.07.2020

Heard Mr. A.T. Paul, learned counsel appearing for the petitioners as well as Mr. D. Bhattacharjee, learned G.A. appearing for the respondents.

These writ petitions being W.P.(C) No.375 of 2020, W.P(C) No.376 of 2020, W.P.(C) No.377 of 2020, W.P.(C) No.378 of 2020, W.P.(C) No.379 of 2020, W.P.(C) No.380 of 2020, W.P.(C) No.382 of 2020 and W.P.(C) No.383 of 2020 are consolidated for disposal by a common judgment as the consensus in the Bar is that the controversy as raised in these petitions is squarely covered by a previous decision of this court.

In these cases, the petitioners were appointed as the Graduate Teachers and they were terminated by the order of this court. They have been freshly appointed also as the Graduate Teachers, but they have not been provided the benefit of their past service as per Para-125 of **Tanmoy Nath & Ors. vs. The State of Tripura & Ors.,** reported in **(2014) 2 TLR 731**. That apart, their regular pay and allowances have not been fixed in terms thereof. Having situated thus, they have approached this court.

Mr. Paul, learned counsel appearing for the petitioners has submitted that the controversy raised in these writ petitions is squarely addressed by the judgment and order dated 29.01.2020 delivered in W.P.(C) No.295 and 2020 [Smt. Sangita Reang and others vs. State of Tripura and Ors.] where this

court has categorically observed that these cases are covered by a previous decision of this court in **Babul Debnath vs. the State of Tripura and others**. It has been further observed in **Sangita Reang** (supra) that the Government has denied the benefit of protection of past service to the teachers being selected and appointed. It has been observed in **Sangita Reang** (supra) as under:

> **"5. It is not in dispute that insofar as para 125 reproduced (supra), with emphasis is concerned, has attained finality.**
>
> **The State is bound to comply with the same.**
>
> **To our reading, if any one of the already selected candidates are again selected in terms of the fresh selection process, then their earlier services so rendered by them has to be counted for the benefit of seniority, pension and all other purposes.**
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> **6. Before us, it is not in dispute that the present writ petitioners, pursuant to the directions issued by this Court reproduced (supra) had participated in the fresh selection process so undertaken by the Government. It is also not in dispute that they stand selected, in accordance with law. Also letters of appointment stand issued, which they accepted and the petitioners posted with their joining at the appropriate places of posting. Their selection and appointment is to the very same post to which they earlier stood selected and appointed.**
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> **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.**
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> **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.**
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> **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."**

These cases fall in Category-I as devised in the said judgment. Therefore, there shall be full protection of their past service as envisaged in Para-125 of the judgment in the case of **Tanmoy Nath** (supra).

In view of the above development, this court does not find any difficulty to pass the similar direction in these cases.

Accordingly, the respondents are directed to grant the petitioners full benefit of past service for the purpose of seniority, pension and all other benefits. The respondents would make payment of arrears pay and allowances, as would accrue, within a period of 3[three] months from the date when a copy of this order would be received by them.

In terms of the above, these writ petitions stand allowed and disposed of.

There shall be no order as to costs.

JUDGE

Sujay

HIGH COURT OF TRIPURA
सत्यमेव जयते