HIGH COURT OF TRIPURA
AGARTALA

W.A. No.214/2019

The State of Tripura and others

….. Appellant(s)

Versus

Dr. Bhabatosh Saha

……Respondent(s)

For Appellant(s) : Mr. D. Sharma, Addl. GA.

For Respondent(s) : Mr. S.M. Chakraborty, Sr. Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY

ORDER

25/08/2020.
(Akil Kureshi, CJ).

Heard learned counsel for the parties for final disposal of the appeal.

Appeal arises out of the Judgment of the learned Single Judge dated 20.11.2017 passed in W.P. (C) No.1160 of 2016. Writ petition filed by the original petitioner present respondent was allowed in following terms:

> "**06**. This court is satisfied that the said decision squarely covers the grievances of the petitioner. Since the Rule 3(3) of the Tripura State Civil Services (Revised Pension) Rules, 2009 has been struck down by this court, the petitioner is entitled to get the full pension on the basis of the revised pay scale which has come into effect from 01.01.2006. The respondents are therefore directed to pay the petitioner the arrear pension from 01.07.2007 to 31.12.2008 within a period of 3(three) months from the day when

a copy of this order will be submitted by the petitioner to the respondents, else the said amount shall carry interest @6% per annum from 01.04.2010.

Having held so, this writ petition is allowed to the extent as indicated above."

This was on the basis of a decision of Division Bench of the High Court dated 31.10.2017 in W.P. (C) No.494 of 2012 in case of ***Anjana Bhattacharjee vs. The State of Tripura*** in which identical issue was involved.

Learned Additional Government Advocate submitted that the decision of the Division Bench of this Court in case of ***Anjana Bhattacharjee (supra)*** has been challenged by the State before the Supreme Court and the appeal is pending. He further submitted that when different appeals came up before the Division Bench involving identical issues, the Division Bench by its Judgment dated 29.07.2019 passed in ***W.A. No.89 of 2018*** and connected appeals in case of ***The State of Tripura and others vs. Dr. Sunil K. Majumder and others***, disposed of the appeals in following manner:

"It is not in dispute that the judgments, impugned herein, are based on by an earlier judgment rendered by the Division Bench of this Court in *WP(C) No.494 of 2012*, titled as *Smt. Anjana Bhattacharjee vs. State of Tripura & Ors.*

We are informed that this very judgment is subject matter of challenge before the Apex Court and the operation thereof stands stayed.

> Learned counsel for the parties are in agreement that these appeals can be disposed of with the direction that the parties shall be bound by the outcome of the decision rendered by the Apex Court. In fact, this is the one such direction which is issued in WP(C) No.295 of 2018, titled as *Dr. Mata Prasad Jaiswal vs. State of Tripura & Ors.* and other connected matters, in the following terms:
>
> *"9. Counsel for the respondents further informs this court that judgment of the Division Bench on which reliance has been made is pending SLP in the Apex Court. It is made clear that outcome of the pending SLP shall be binding on the present writ petitions."*
>
> However, it stands clarified that since the operation of the judgment rendered by the Division Bench stands stayed, parties shall maintain status quo, qua, disbursement of the monetary benefits.
>
> With the aforesaid observations, the present appeals stand disposed of, so also, the pending application(s), if any."

In the present appeal situation being identical, this appeal is also disposed of along the same lines providing that the parties shall be bound by and shall act in terms of the Judgment / outcome of the State appeal in the Supreme Court in case of ***Anjana Bhattacharjee***. Till then, with respect to monetary benefits, both side shall maintain status quo. It is further provided that as soon as the appeal in case of ***Anjana Bhattacharjee*** is disposed of, the State Government shall officially communicate the outcome thereof to the present petitioner and by virtue of

such judgment, the petitioner has to receive any further benefits from the Government, the same shall be disbursed without any delay.

The appeal is disposed of accordingly. Pending application(s), if any, also stands disposed of.

(S.G. CHATTOPADHYAY), J **(AKIL KURESHI), CJ**

HIGH COURT OF TRIPURA

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