

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.07 of 2025

1. The State of Tripura represented by the Secretary, Department of Home, Government of Tripura, New Capital Complex, P.O. Kunjaban, P.S. New Capital Complex, District West Tripura, PIN-799010
2. The Secretary, Department of Finance, Government of Tripura, New Capital Complex, P.O. Kunjaban, P.S. New Capital Complex, District- West Tripura, PIN-799010
3. The Director General of Police, Government of Tripura, Police Head Quarters, Fire Brigade Chowmuhan, A.K. Road, P.O. Agartala, P.S. West Agartala, District- West Tripura, PIN-799001
4. The Commandant, 1ST Bn., Tripura State Rifles, Gokulnagar, P.O. and P.S. Bishalgarh, District- Sepahijala, Tripura
5. The Commandant, 2nd Bn., Tripura State Rifles, Bodhjunnagar, P.S. Bodhjunnagar, District- West Tripura
6. The Commandant, 3rd Bn., Tripura State Rifles, Kachucherra, P.S. Kachucherra, District- Dhalai, Tripura
7. The Commandant, 5th Bn., Tripura State Rifles, (Indian Reserve), IRI, Amarpur, P.S. Amarpur, District- Gomati, Tripura
8. The Commandant, 6th Bn., Tripura State Rifles, (Indian Reserve) IRII, Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura
9. The Commandant, 7th Bn., Tripura State Rifles, (Indian Reserve) IRII, Jampuijala, P.S. Jampuijala, District- West Tripura
10. The Commandant, 8th Bn., Tripura State Rifles, (Indian Reserve) IRII, Chailengta, P.S. Chailengta, District- Dhalai, Tripura
11. The Commandant, 9th Bn., Tripura State Rifles, (Indian Reserve) IRII, Jolaibari, P.S. Jolaibari, District- South Tripura
12. The Commandant, 10th Bn., Tripura State Rifles, (Indian Reserve) IR-V, West Barjala, Jirania, P.S. Jirania, District- West Tripura
13. The Commandant, 11th Bn., Tripura State Rifles, (Indian Reserve) IR-VII, Bishramganj, P.S. Bishramganj, District- Sepahijala, Tripura
14. The Commandant, 12th Bn., Tripura State Rifles, (Indian Reserve) IR-VIII, Teliamura, P.S. Teliamura, District- Khowai, Tripura
15. The Commandant, 13th Bn., Tripura State Rifles, (Indian Reserve) IR-II, Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura

.....Appellant(s);

Versus

1. Sri Sankar Chandra Saha, REGT NO. 85010660, aged about 59 years, son of Late Anath Bandhu Saha, resident of Uttar Ramnagar, P.O. Bimangarh (Narayanpur), P.S. Airport, District- West Tripura PIN-799015
2. Sri Jotish Chandra Das, REGT NO. 85010789, aged about 58 years, son of late Ganesh Chandra Das, resident of East Pratapgarh, P.O. East Pratapgarh, P.S. East Agartala, District- West Tripura PIN-799004
3. Abul Kashem Azad, REGT NO. 85010532, aged about 58 years, son of Abdul Kader, resident of Sonapur, Sonamura, P.O. Rabindranagar, P.S. Sonamura, District- Sepahijala, Tripura Pin 799131
4. Sri Dulal Lodh, REGT NO. 87010579, aged about 59 years, son of late Hiralal Lodh, resident of Surjapara, P.O. AD Nagar, P.S. AD nagar, District- West Tripura Pin 799003
5. Nilotpall Roy, REGT NO. 85010761, aged about 59 years, son of late Rabindra Kumar Roy, resident of Village and P.O.-Gakulnagar, Rastarmatha, P.S. Bishalgarh, District- Sepahijala, Tripura, Pin-799102
6. Sri Balaram Debnath, REGT NO. 01030537, aged about 59 years, son of late Jitendra Debnath, resident of Durga Nagar, P.O. Durga Nagar, P.S. Airport, District- West Tripura Pin 799015
7. Sri Haradhan Barman, REGT NO. 85010612, aged about 59 years, son of late Surendra Chandra Barman, resident of Rajghat, P.O. Melaghar, P.S. Melaghar, District- Sepahijala, Tripura Pin 799115
8. Sri Dinesh Debbarma, REGT NO. 87010610, aged about 59 years, son of Late Budhu Chandra Debbarma, resident of Birchandra Thakur para, P.O. Radha Mohanpur, P.S. Radhapur, District- West Tripura Pin 799045
9. Sri Jiban Debroy, REGT NO. 85010885, aged about 58 years, son of late Gopika Ranjan Debroy, resident of AD Nagar Road No. 5, P.O. AD Nagar, P.S. AD Nagar, District- West Tripura Pin 799003
10. Sri Sudhan Chandra Nag, REGT NO. 87010552, aged about 59 years, son of late Kriahn Chandra Nag, resident of Gokul Nagar, Rastarmatha, P.O. Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
11. Sri Dilip Kumar Datta, REGT NO. 85010967, aged about 59 years, son of late Niranjana Chandra Datta, resident of East Gokulnagar, Near Rastarmatha, P.O. East Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
12. Sri Ramendra Chandra Das, REGT NO. 85010835, aged about 58 years, son of late Surendra Chandra Das, resident of Madhyapara (Raja Ghosh Lane), P.O. RK Pur, Udaipur, P.S. RK Pur, District- Gomati, Tripura Pin 799120
13. Sri Gita Charan Debbarma, REGT NO. 85010758, aged about 59 years, son of Sri Bahadur Debbarma, resident of Kachu Bari, Champahaur, P.O. Asharambari, P.S. Champahaur, District- Khowai, Tripura Pin 799201

14. Sri Sanjit Baidya, REGT NO. 85010806, aged about 59 years, son of late Lal Mohan Baidya, resident of Gokulnagar, near Rastarmatha, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
15. Sri Anil Das, REGT NO. 86010505, aged about 58 years, son of late Harendra Chandra Das, resident of East Gokulnagar, near Rastarmatha, P.O. East Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura pin 799102
16. Sri Bikash Saha, REGT NO. 85010591, aged about 58 years, son of late Baladeb Saha, resident of Palace Compound road, near Sale Tax Office, P.O. Agartala, P.S. West Agartala, District- West Tripura Pin 799001
17. Sri Birendra Marak, REGT NO. 85010661, aged about 59 years, son of Late Ganindra Marak, resident of Holakhet, P.O. Holakhet, P.S. RK Pur, District- Gomati, Tripura Pin 799120
18. Sri Manik Deb, REGT NO. 85010575, aged about 59 years, son of late Khitendra Chandra Deb, resident of Lankamura, Karmakarpara, P.O. Lankamura, P.S. Airport, District- West Tripura Pin 799009
19. Sri Dulal Debnath, REGT NO. 85010613, aged about 59 years, son of Binod Bihari Debnath, resident of Durganagar, P.O. KK Nagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
20. Sri Pradyut Kumar Podder, REGT NO. 87010536, aged about 59 years, son of late Jogesh Chandra Podder, resident of Janghalia, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
21. Sri Dilip Kumar Ghose, REGT NO. 87010631, aged about 59 years, son of late Motilal Ghosh, resident of Khayerpur, Madhyapara, P.O. Khayerpur, P.S. Bodhjungle, District- West Tripura Pin 799008
22. Sri Subin Debbarma, REGT NO. 87010964, aged about 59 years, son of late Kali Kumar Debbarma, resident of Gokulnagar, P.O. Nabinagar, P.S. Bishalgarh, District- Sepahijala Tripura Pin 799102
23. Sri Hari Sankar Roy, REGT NO. 85010668, aged about 59 years, son of late Hriday Ranjan Roy, resident of North Badharghat, P.O. AD Nagar, P.S. AD Nagar, District- West Tripura Pin 799003
24. Sri Sanjit Dhali, REGT NO. 85010584, aged about 59 years, son of late Sukumar Dhali, resident of Shibnagar, College Tilla, P.O. Agartala College, P.S. East Agartala, District- West Tripura Pin 799004
25. Sri Bhupendra Sharma, REGT NO. 85010623, aged about 59 years, son of late Babatan Sharma, resident of Khas Noagaon, P.O. Banikya Chowmuhani, P.S. Bodhjungle, District- West Tripura Pin 799210
26. Sri Pradip Kumar Sen, REGT NO. 87010568, aged about 59 years, son of Late Jogesh Chandra Sen, resident of Khatalia, P.O. Khatalia, P.S. Jatrapur, District- Sepahijala, Tripura Pin 799131

27. Sri Sankar Lohra, REGT NO. 85010928, aged about 58 years, son of late Buddu Lohra, resident of Gokulnagar, near Rastarmatha, P.O. Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
28. Sri Ratan Modak, REGT NO. 85010888, aged about 59 years, son of late Upendra Chandra Modak, resident of Radhanagar, near Bhati Abhoynagar, P.O. Agartala, P.S. East Agartala, District- West Tripura Pin 799002
29. Sri Arup Sinha, REGT NO. 85010724, aged about 59 years, son of late Kartik Sinha, resident of Rajbari, Dharmanagar, P.O. Rajbari Dharmanagar, P.S. Dharmanagar, District- North Tripura Pin 799250
30. Sri Prasanta Sharma, REGT NO. 85010750, aged about 59 years, son of Late Chandra kanta Sharma, resident of Gulderpur, P.O. Gulderpur, P.S. Kailasahar, District- Unakoti, Tripura Pin 799279
31. Sri Dipesh Chandra Datta, REGT NO. 85010797, aged about 59 years, son of late Radha Mohan Datta, resident of Badharghat (Matripalli), P.O. Siddhi Ashram, P.S. AD Nagar, District- West Tripura Pin 799003
32. Sri Chandra Singh, REGT NO. 85011036, aged about 58 years, son of late Gabbar Singh, resident of Chandrabani Cholla, Dehradun, P.O. Mohebewala (Bhuttowala), District- Dehradun, Uttarakhand Pin 248002
33. Sri Nakul Chandra Dhar, REGT NO. 85011152, aged about 58 years, son of late Sishu Ranjan Dhar, resident of Badharmokam, P.O. RK Pur, Udaipur, P.S. RK Pur, District- Gomati, Tripura Pin 799120
34. Sri Ananda Kumar Tripura, REGT NO. 85010857, aged about 58 years, son of Late Ram Chandra Tripura, resident of Gokulnagar (Sukanta Colony), P.O. Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
35. Sri Adhir Chandra Das, REGT NO. 85010533, aged about 59 years, son of late Amulya Chandra Das, resident of Town Indranagar, Dhaleswar, P.O. Dhaleswar, P.S. East Agartala, District- West Tripura Pin 799007
36. Sri Jiban Chakraborty, REGT NO. 85010572, aged about 58 years, son of Late Khitish Chakraborty, resident of Rajeswari Nagar, P.O. Pandabpur, P.S. Amtali, District- West Tripura Pin 799130
37. Sri Kalipada Chowdhury, REGT NO. 85010684, aged about 58 years, son of late Nagendra Chowdhury, resident of Lembutali, Bishalgarh, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
38. Sri Bipad Paul, REGT NO. 87010576, aged about 58 years, son of late Jotendra Chandra Paul, resident of Sukanta Colony, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
39. Sri Narayan Ch. Sukla Baidya, REGT NO. 85010505, aged about 59 years, son of late Sarada Mohan Sukla Baidya, resident of Gokulnagar, Rastarmatha, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102

40. Sri Swapan Kumar Paul, REGT NO. 85010892, aged about 59 years, son of late Satish Chandra Paul, resident of Gokul Nagar, Rastarmatha, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
41. Sri Ratan Kumar Datta, REGT NO. 85010851, aged about 58 years, son of late Haralal Datta, resident of East Gokulnagar, P.O. Gokulnagar, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
42. Sri Himangshu Shil, REGT NO. 85010529, aged about 59 years, son of Late Kali Kinkar Shil, resident of Gokul Nagar, Rastarmatha, P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura Pin 799102
43. Sri Pradip Kumar Deb, REGT NO. 85010604, aged about 58 years, son of late Amar Chandra Deb, resident of North Badharghat, P.O. AD Nagar, P.S. AD Nagar, District- West Tripura Pin 799003
44. Sri Prasad Deb, REGT NO. 86010519, aged about 59 years, son of late Priyanath Deb, resident of Amtali, P.O. Amtali, P.S. Amtali, District- West Tripura Pin 799130
45. Sri Amarendra Prasad, REGT NO. 85011139, aged about 59 years, son of late Yogendra Prasad, resident of Hari ji hatta, Dumraon, Bihar, P.O. Dumraon, P.S. Dumraon, District- Buxar, Bihar Pin 802119
46. Sri Uday Nath Lohra, REGT NO. 85010916, aged about 59 years, son of late Bhuneshwar Lohra, resident of Ratu, Jharkhand, P.O. Ratu, P.S. Ratu, District- Ranchi, Jharkhand Pin 835222
47. Sri Ashok Kumar, REGT NO. 85011142, HAV (med), aged about 59 years, son of late Dev Charan Yadav, resident of Ganjpar, Bihar, P.O. Rajgir, P.S. Rajgir, District- Nalanda, Bihar Pin 803116
48. Sri Umesh Prasad Singh, REGT NO. 02060151 Nb/Sub(Clerk), aged about 59 years, son of late Mathura Singh, resident of Rajauli Dih, P.O. Rajauli, P.S. Rajauli, District- Nawada, Bihar Pin 805125
49. Pawas Minz, REGT NO. 85010917, aged about 59 years, son of late Gabriel Minz, resident of Bansdih, Jharkhand, P.O. Parsa, P.S. Raidih, DistrictGumla, Jharkhand Pin 835232
50. Sri Suresh Prasad Gupta, REGT NO. 85011145, aged about 59 years, son of late Laxman Prasad Gupta, resident of Dhanot, Rupaspur, Patna, Bihar, P.O. Dhanot, P.S. Rupaspur, District- Patna, Bihar Pin 801506
51. Sri Darwan Singh, REGT NO. 85011017, aged about 59 years, son of late Hari Singh Bisht, resident of Prithvipur, Uttarakhand, P.O. Pachmiwala (Vikasnagar), District- Dehradun, Uttarakhand Pin248198
52. Sri Jagadamba Prasad Kala, REGT NO. 85011010, aged about 59 years, son of Late Jaydatt Prasad Kala, resident of Prem nagar Bazar Dolwala, P.O. Doiwala, District- Dehradun, Uttarakhand Pin 248140

53. Sri P Devaraj, REGT NO. 85010595, aged about 58 years, son of late Pushpanathan, resident of Sengadu, Tamilnadu, P.O. Valavanur, District Villupuram, Tamilnadu Pin 605108

54. Azim Miah, REGT NO. 85010951, aged about 58 years, son of late Jhulani Miah, resident of Maranpur, Bewedi, Bihar, P.O. Siswa Kharar, District- East Champaran, Bihar Pin 845432

55. Sri Sunil Chandra Debnath, REGT NO. 85010772, aged about 59 years, son of late Satish Chandra Debnath, resident of Dwajanagar, Gokulnagar, P.O. Gokulpur, P.S. RK Pur, Udaipur, District- Gomati, Tripura Pin 799114

56. Sri Parimal Debnath, REGT NO. 85010515, aged about 58 years, son of late Banamali Debnath, resident of Badharghat, Matripalli, P.O. Siddhi Ashram, P.S. Amtali, District- West Tripura Pin 799003

57. Sri Sajal Kumar Paul, REGT NO. 85010653, aged about 58 years, son of late Prakash Chandra Paul, resident of Dhaleshwar, Agartala, P.O. Dhaleshwar, P.S. East Agartala, District- West Tripura Pin 799007

.....Respondent(s)

For Appellant(s) : Mr. Saktimoy Chakraborti, Advocate General,
Mr. Dipankar Sarma, Addl. G.A.
Mrs. Pinki Chakraborty, Advocate.

For Respondent(s) : Mr. Sankar Lodh, Advocate,
Mr. Subham Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Date of hearing : **03.03.2026**

Date of Judgment & Order : **03.03.2026**

Whether Fit for Reporting : **NO**

JUDGMENT & ORDER (ORAL)

(M.S. Ramachandra Rao, C.J.)

1) This Writ Appeal is preferred against the judgment dt.30.08.2024 of the learned Single Judge in WP(C) No.06/2024.

2) The appellants are the State Government and its officials.

3) The respondents were all retired from service on attaining the age of 57 years.

The case of Mahashankar Singh – Judgment dt.22.02.2022 in WP(C) No.594/2018

4) One such employee of the Tripura State Rifles, who had also been retired at the age of 57 years, by name Mahashankar Singh had approached this Court by filing WP(C) No.594/2018, and the said case was disposed of on 22.02.2022 by a Division Bench of this Court holding as under:

“[7] As noted, pursuant to the directions issued by the High Court of Delhi in the case aforesaid, the Ministry of Home Affairs, Govt. of India by issuing order No.F.N.45020/1/2019/Legal-I dated 19th August, 2019 has raised the age of retirement of CRPF, BSF, ITBP and SSB to 60 years at par with the members of CISF and AR irrespective of rank.

[8] There cannot be any dispute that forces like ITBP and BSF are also deployed in High altitude terrain to conduct operations. Since the retirement age of the members of those forces have been raised to 60 years, the plea of the State respondents that the enhancement of the retirement age of TSR personnel from 57 to 60 years will affect their efficiency does not stand to reason.

[9] In this view of the matter, we do not find any rationale in not raising the age of retirement of TSR personnel from 57 to 60 years. However, in view of the fact that enhancement of retirement age is a policy matter of the State Government and the process involves statutory changes, instead of issuing a direction to the State respondents at this moment, we hope and trust that the State respondents will consider enhancement of the retirement age of all members of TSR irrespective of rank from 57 to 60 years within a reasonable period of time. In the event of such enhancement of the age of retirement, the petitioner who has retired from service in October, 2018 at the age of 57 years shall have the benefit of fitment of pension from the date of completion of the age of 60 years.

[10] In terms of the above, the writ petition stands disposed of. Pending application(s), if any, shall also stand disposed of.”

(emphasis supplied)

5) It is not in dispute that the benefit of fitment of pension from the date of completion of the age of 60 years was given to Mahashankar Singh by implementing the said judgment dt.22.02.2022 of the Division Bench in WP(C) No.594/2018.

WP(C) No.508/2023

6) Seeking a similar benefit, respondents had filed WP(C) No.508/2023 before this Court, contending that representations given by them seeking similar benefit, had not been considered by the appellants.

7) The said Writ Petition was disposed of on 16.08.2023 by learned Single Judge directing the appellants to consider the case of the respondents within three months in accordance with law.

The impugned order dt.08.12.2023

8) Thereafter, the impugned order dt.08.12.2023 was passed by the appellants stating *inter alia* that after the judgment was pronounced in the case of Mahashankar Singh by this High Court on 22.02.2022 (directing the State Government to consider enhancement of the retirement age of all the members of TSR irrespective of ranks, from 57 to 60 years within a reasonable time), a policy decision was taken to increase the age of superannuation of TSR personnel from 57 years to 60 years, and that an amendment to the Tripura State Rifles (Discipline, Control, Service Conditions, etc.) (7th Amendment) Rules, 2022 were issued on 26.04.2022, and published in the Tripura Gazette on 29.04.2022, and by virtue of the said amendment, the age of superannuation of members of different ranks of the Tripura State Rifles was enhanced to 60 years with effect from 01.04.2022.

9) It was stated further that as regards providing benefit of fitment of pension to Mahashankar Singh from the date of completion by him of the age of 60 years, the State Government consciously took a decision only to give that individual the said benefit in compliance of the direction of the Court.

10) It is however contended that the respondents in the appeal, are not entitled to the said benefit because the direction to provide fitment of pension benefit in the judgment dt.22.02.2022 in WP(C) No.594/2018 to Mahashankar Singh, was only a judgment *in personam*.

11) Reliance was placed on a judgment of the Supreme Court in ***Dr. Prakasan M.P. & Others v. State of Kerala and Another***¹ wherein the Supreme Court had held that fixation of age of retirement was a policy matter which lies within the domain of the State Government, and it was not for the Courts to prescribe different ages of retirement.

12) The Supreme Court also held that whatever may be the cut-off date fixed by the State Government, some employees would always be left out in the cold, but that alone would not make a decision bad, nor it would be a ground for the Court to tread into matters of policy, that are best left for the State Government to decide.

13) Thereafter, the appellants stated that the case of the respondents was not covered by the notification dt.26.04.2022, and that it was decided by them that the respondents shall not be granted the benefit of fitment of pension at the age of 60 years as communicated by the Home Department, Government of Tripura vide its letter dt.05.09.2023.

¹ (2024) 20 SCC 694 = (2023) INSC 772 : (2023) 14 S.C.R. 293

14) The appellants therefore rejected the case of the respondents on the ground that their case was distinguishable from the case of Mahashankar Singh, the petitioner in WP(C) No.594/2018, on the basis of a policy decision taken by the State Government with a specific cut-off date for enhancement of age of superannuation.

WP(C) No.06/2024

15) Assailing the same, the petitioners had filed WP(C) No.06/2024. They contended in the Writ Petition that they were similarly placed to the petitioner Mahashankar Singh in WP(C) No.594/2018, and they cannot be denied the benefit of fitment of pension granted to Mahashankar Singh.

16) The appellants however took a stand that the judgment in WP(C) No.594/2018, was only a judgment *in personam*.

17) The learned Single Judge in his judgment dt.30.08.2024 rejected the contention of the appellants. He held that if the submission of the Government Advocate is accepted, it would be a blatant violation of Art.14 and 16 of the Constitution of India. He held that the judgment of the Division Bench in Mahashankar Singh cannot be treated as a judgment *in personam*, but was a judgment *in rem*, and since the respondents in this appeal were similarly or identically placed, they should not be treated unequally; and since the appellants had implemented the benefit already to Mahashankar Singh, the petitioner in WP(C) No.594/2018, similar benefit be provided/extended to the respondents.

The instant Writ Appeal

- 18) Assailing the same, this Appeal is filed.
- 19) Learned Advocate General sought to contend that the learned Single Judge erred in granting relief of benefit of fitment of pension from the date of completion of the age of 60 years to the respondents also on the basis of the judgment of the Division Bench of this Court in WP(C) No.594/2018 dt.22.02.2022.
- 20) He also contended that the order dt.08.12.2023 issued by the appellants, was proper.
- 21) Counsel for the respondents however refuted the said contentions, and supported the judgment of the learned Single Judge.

Consideration by the Court:

- 22) Admittedly like Mahashankar Singh, who filed WP(C) No.594/2018, the respondents had also been made to retire on attaining the age of 57 years.
- 23) Though the amendment to the Tripura State Rifles Rules was introduced enhancing the age of retirement up to 60 years with effect from 01.04.2022, neither Mahashankar Singh was entitled to the said benefit, nor the respondents herein, and neither of them could have claimed that they should be continued in service up to the age of 60 years, because they had retired prior to 01.04.2022.
- 24) But the stand of the respondents is *not* that (a) their age of superannuation should be increased to 60 years, and (b) though they were retired on attaining the age of 57 years, they should be paid the wages and other benefits for the three years in view of the amendment to the Rules.

25) They are only seeking that the benefit of fitment of pension, which was granted to ***Mahashankar Singh*** from the date of completion of the age of 60 years, be also extended to them.

26) If ***Mahashankar Singh*** and the respondents are similarly situated, and if the appellants have chosen to give the said benefit of fitment of pension from the date ***Mahashankar Singh*** completed the age of 60 years, the respondents who are similarly situated to him, cannot be discriminated against by the appellants, and denied the said benefit.

27) The logic of the appellants that the judgment in ***Mahashankar Singh*** was a judgment *in personam*, cannot be countenanced because in the judgment in ***Mahashankar Singh***, there is a finding recorded in para 8 that enhancement of the retirement age of Tripura State Rifles personnel from 57 to 60 years, will not affect their efficiency, and the plea of the State Government to the contrary, was specifically rejected.

28) The benefit of fitment was obviously given by the Division Bench because ***Mahashankar Singh*** had already retired by then, and could not have been reinstated and allowed to continue in service up to the attainment of the age of 60 years.

29) The appellants had not challenged by filing an SLP in the Supreme Court the said finding recorded in para 8 of the judgment in ***Mahashankar Singh***, and in fact had accepted the said logic and enhanced the age of retirement of employees of all ranks in Tripura State Rifles from 57 to 60 years with effect from 01.04.2022.

30) The appellants cannot be allowed to discriminate between the respondents and ***Mahashankar Singh***, as both are similarly situated having

retired on completion of 57 years of age before the age of superannuation had been enhanced to 60 years.

31) The observations in the judgment of the Supreme Court in ***Dr. Prakasan M.P.*** (1 supra), cannot come to the aid of the appellants because of the above reasons.

32) Therefore, the Writ Appeal is dismissed upholding the judgment of the learned Single Judge in WP(C) No.06/2024.

33) The said benefit of fitment of pension shall be granted to the respondents herein within 4(four) weeks from today, and arrears shall be paid within 2(two) months to the respondents by the appellants.

34) The interim stay dt.18.02.2025 on the operation of the impugned judgment dt.30.08.2024 passed by the learned Single Judge in WP(C) No.06/2024 stands vacated.

No costs.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

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