

**THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No. 1320 of 2016

Sri Uttam Debnath,

son of Manindra Debnath, resident of village- S.B.C. Nagar,
P.O. Banlar, Belonia, District- South Tripura,
presently residing at: Kalikapur, Agartala
P.O. Ramnagar, District- West Tripura.

... *Petitioner*

- **Versus** -

1. **The State of Tripura,**
represented by the Secretary/Commissioner,
Finance Department, Government of Tripura,
Secretariat Building, New Capital Complex,
P.O. N.C.C, Agartala, West Tripura
2. **The Secretary,**
to the Government of Tripura,
Transport Department,
Secretariat Building, New Capital Complex,
P.O. N.C.C, Agartala, West Tripura
3. **Tripura Road Transport Corporation,**
(A Government of Tripura undertaking)
represented by its Chairman, having his office at Krishnanagar
P.O. Agartala, P.S. West Agartala, District- West Tripura
4. **The Managing Director,**
Tripura Road Transport Corporation (A Government of Tripura
Undertaking), having his office at Krishnanagar P.O. Agartala,
P.S. West Agartala, District- West Tripura

... *Respondents*

**BEFORE
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner : Ms. R. Purkayastha, Advocate

For respondents No. 3 & 4 : Mr. T. Debbarma, Advocate

For respondents no. 1 & 2 : None.

Date of hearing & delivery
of Judgment and Order : **31.01.2017**

Whether fit for reporting : NO

JUDGEMENT AND ORDER (ORAL)

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner as well as Mr. T. Debbarma, learned counsel appearing for the respondents No. 3 and 4. None appears for the respondents No. 1 and 2 when the matter was taken up for hearing.

2. Both these writ petitioners being W.P(C) 1320 of 2016 [Sri Uttam Debnath vs. State of Tripura & others] and W.P(C) 1321 of 2016 [Sri Jatindra Gope vs. State of Tripura & others] are clustered for disposal by a common judgment as the identical question wades through these writ petitions.

3. The writ petitioners have urged this court to direct the respondents No. 3 and 4, particularly the respondent No.4 to grant the petitioners the pay scale of Rs.4000-7890/- in terms of the Tripura State Civil Services (Revised Pay Rules 1999) with arrears as the Heavy Vehicle Driver, Grade II. There is no dispute that while the Tripura State Civil Services (Revised Pay Rules 1999) was introduced the petitioners were considered as the driver not as the heavy vehicle driver and accordingly their pay was fixed in the scale of pay of Rs. 3,300-7,100/-, instead of Rs.4,000-7,890/-, which was due to them. By the memorandum dated 27.12.2010 (Annexure D to the writ petitions), the respondent No.4 communicated the decision of the authority. For purpose of reference, the entire memorandum dated 27.12.2010 are reproduced hereunder:

“ **TRIPURA ROAD TRANSPORT CORPORATION**
(A GOVT. OF TRIPURA UNDERTAKING)
AGARTALA::TRIPURA(W)
NO.F.1(39)-TRTC/ESTT/08/S/ROP/HVD/2010/1070, **dated 27/12/10**

MEMO

According to the Order No. F.6(5)-FIN(PC)/PSU/2010 dated 20.07.2010, the pay scale of Heavy Vehicle Driver of TRTC has been recommended as Rs.5,510-24,000/-.

As per Note No. 6 file No. /F.(39)-TRTC/Estt/09/S/ROP/H.V.Driver 2010 it has been approved to give the scale of pay Rs.4,000-7,890/- (scale of H.V. Driver of the state government in 4th ROP 1099) instead of Rs.3,300-7,100/- to the Heave Vehicle Driver.

The Pay revision committee cell of TRTC mat thus calculate the pay and allowances of the H.V. Driver, TRTC accordingly.

The financial benefit will be from 01.12.2010 and no arrear of pay, allowances etc. will be given H.V. Driver of TRTC.

This has an approval of the Hon'ble Chairman, TRTC vide NSP-7, under None No. 13 file No. F.(39)-TRTC/ESTT/08/S/ROP/HVD/2010, dated 16.12.2010.

**MANAGING DIRECTOR
T.R.T.C."**

4. It is apparent that the financial benefit was restricted from 01.12.2010 and no arrear of pay and allowance etc. was provided to the heavy vehicle drivers of the respondent-Corporation. Situated thus, a few heavy vehicle drivers working under the Corporation-respondent filed a writ petition being WP(C) 452 of 2012 in this court. By the judgment and order dated 04.12.2015 the said petition was disposed of with the declaration that the said pay scale of Rs.4,000-7,890/- would be entitled to the petitioners w.e.f. 01.01.1996 and their pay shall be fixed in terms of the provisions of ROP Rules, 1999 in the same manner as adopted by the Tripura Road Transport Corporation. However, the respondents may defer the payment for reasonable time but by any rate not beyond 12 months from the date of the judgment. Having declared thus, the memorandum dated 27.12.2010 (Annexure G to the writ petition) was interfered with and set aside to the extent of its effect. It was further directed by the said judgment dated 04.12.2015 that the pay and allowance of the petitioner shall be fixed within a period of 3(three) months from the date of judgment and those who have retired from their service or would retire, their payment shall be made within 3(three) months from the date of judgment or with the retiral benefit whichever is applicable.

5. Both Ms. Purkayastha, learned counsel appearing for the petitioners as well as Mr. T. Debbarma, learned counsel appearing for

the respondents No. 3 and 4 have stated in unison that both these writ petitioners are covered by the said judgment dated 04.12.2015 inasmuch as the petitioners are similarly circumstanced.

6. In view of the above, the respondents, particularly the respondent No. 4 is directed to give the similar benefits to the petitioners in terms of the judgment dated 04.12.2015 (Annexure E to the writ petition). However, for dis-spelling any confusion it is directed that the petitioners shall be granted the scale of pay of Rs.4,000-7,890/- w.e.f. 01.01.1996 in terms of the ROP Rules, 1999 and thereafter they shall be provided with the benefits of the subsequent revisions. The respondents may defer the payment for a reasonable time but by any rate not beyond 12(twelve) months from today. The respondents shall fix the pay and allowance of the petitioners within a period of 3(three) months from today. If anyone of the petitioners by now has retired from service or would retire, their payment shall be made within 3(three) months from today or with the retiral benefits, whichever is applicable.

8. With this observation and direction, these writ petitions stand allowed to the extent as indicated above. There shall be no order as to costs.

JUDGE

Saikat