

**THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No. 1018 of 2016

Sri Kalyan Debnath,

son of late Upendra Chandra Debnath, resident of Kamalpur,
P.S. Kamalpur, District- Dhalai, Tripura

... Petitioner

- Versus -

1. **The State of Tripura,**
represented by the Secretary, Public Works Department,
Government of Tripura, Civil Secretariat,
New Capital Complex, P.O. Kunjaban, Agartala, West Tripura
2. **The Commissioner and Secretary,**
Government of Tripura, Public Works Department,
P.O. Kunjaban, Agartala, West Tripura
3. **The Chief Engineer,**
Public Works Department, DWS, P.N. Complex, Gurkhabasti,
P.O. Kunjaban, Agartala, West Tripura
4. **The Engineer-In-Chief,**
Public Works Department (R&B), Civil Secretariat,
New Capital Complex, P.O. Kunjaban, Agartala, West Tripura

... Respondents

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

For the petitioner	: Mr. RG Chakraborty, Adv
For respondents	: Mr. TD Majumder, GA
Date of hearing and delivery of Judgment and Order	: 25.09.2017
Whether fit for reporting	: NO

JUDGEMENT AND ORDER (ORAL)

Heard Mr. RG Chakraborty, learned counsel appearing
for the petitioner as well as Mr. TD Majumder, learned
Government Advocate appearing for the respondents.

2. The petitioner, who is substantively appointed as the
Grade IV of the Tripura Engineering Service (Assistant Engineer
under Water Resource Sub Division, Kamalpur) is holding the
Full Duty Charge of the Executive Engineer. The petitioner by

means of this writ petition has urged this court for directing the respondents for consideration of his regular promotion to the Grade III of the Tripura Engineering Service (Executive Engineer).

3. The respondents in their reply, particularly, at paragraph 15 has stated as under:

“That with regards the para 10 of the petition I submit that contention of the petitioner that the authority in a mechanically and without considering all aspect judicially and appreciation of the vacancy and competency and eligibility of the petitioner has been deprived the legitimate claim of the petitioner is not true and as such the same is flatly denied. The petitioner is agitating for his personal gain to be considered for promotion. But exercise of promotional consideration is dependent on the outcome of the decision of the Hon’ble Apex Court. The Hon’ble Apex Court directed to maintain status quo and therefore, promotion matter will remain in abeyance till vacation of the status quo order or further order passed by the Hon’ble Apex Court in respect of SLP filed.

The Department had initiated proposal to the Secretary, TPSC vide letter bearing No. F.6(67)-PWD(E)/2015 dated 30.03.2015 for consideration of promotion to the post of TES Grade III (Civil), Executive Engineer from the post of TES Grade- IV (Civil), Assistant Engineer. In the said proposal name of the petitioner was also there in the zone of consideration”.

[Emphasis added]

4. Mr. Chakraborty, learned counsel appearing for the petitioner has submitted that since there is an embargo in view of the order passed by the Apex Court, the case of the petitioner’s promotion shall be considered by the respondents within a reasonable time after such embargo is lifted by the Apex Court by any order of vacation or by the final disposal of the special leave petition that is pending before them. The statement made by Mr. Chakraborty, learned counsel carries substantive force.

5. In view of that statement, this court is of the view that this writ petition can be allowed and disposed of by the following direction:

From the day when the Apex Court shall lift the embargo or dispose the Special Leave petition to appeal or the appeal itself, the petitioner's case shall be considered within 30 (thirty) days therefrom without fail.

JUDGE

Saikat