

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C)No.646 of 2019**

**1. Sri Manik Das,**  
son of Sri Srimanta Das,  
resident of Village-Fulkumari No.1,  
Sub-Division-Udaipur,  
P.O. & P.S. Radhakishorepur,  
District : Gomati Tripura

**2. Sri Subal Das,**  
son of Sri Jatindra Kr. Das,  
resident of Village-Fanindranagar,  
Sub-Division, P.O. & P.S. Sabroom,  
District : South Tripura

.....Petitioner(s)

Versus

**1. The State of Tripura,**  
represented by the Secretary &  
Commissioner to the Transport Department,  
Government of Tripura, having his office at  
New Secretariat Complex, Gorkhabasti,  
Agartala, P.O. Kunjaban, P.S. New Capital Complex,  
Sub-Division-Sadar, District : West Tripura

**2. The Secretary & Commissioner,**  
Transport Department, Government of Tripura,  
having his office at New Secretariat Complex,  
Gorkhabasti, Agartala, P.O. Kunjaban,  
P.S. New Capital Complex, Sub-Division-Sadar,  
District : West Tripura

**3. The Secretary & Commissioner,**  
Department of Finance, Government of Tripura,  
having his office at New Secretariat Complex,  
Gorkhabasti, Agartala, P.O. Kunjaban,  
P.S. New Capital Complex, Sub-Division-Sadar,  
District : West Tripura

**4. The Secretary & Commissioner,**  
Rural Development Department,  
Government of Tripura, having his office at  
New Secretariat Complex, Gorkhabasti,  
Agartala, P.O. Kunjaban, P.S. New Capital Complex,  
Sub-Division-Sadar, District : West Tripura

**5. The Director,**  
Rural Development Department,  
Government of Tripura, having his office  
at Pandit Nehru Complex, Gorkhabasti,  
P.O. Kunjaban, P.S. East Agartala,  
Sub-Division-Agartala, District : West Tripura

**6. The Additional Secretary,**

Transport Department, Government of Tripura,  
having his office at New Secretariat Complex,  
Gorkhabasti, Agartala, P.O. Kunjaban,  
P.S. New Capital Complex, Sub-Division-Sadar,  
District : West Tripura

.....Respondent(s)

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For Petitioner(s) : Mr. Somik Deb, Adv.

For Respondent(s) : Mr. D.C. Saha, Adv.

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

**Order**

**30/08/2019**

Heard Mr. Somik Deb, learned counsel appearing for the petitioner as well as Mr. D.C. Saha, learned counsel appearing for the respondents.

2. The petitioners are working in Group-D posts. The petitioner No.1 has been working as the Night Guard and the petitioner No.2 has been working as the Peon. Their initial induction in the service was as Daily Rate Worker (DRW).

3. It is also not in dispute that both the petitioners have the driving license to drive the vehicles. According to the petitioners, they are entitled to be considered under Rule 10(b) of the Tripura Government Vehicles Drivers Service Rules, 2011(Seventh Amendment). Rule 10(b) of the said rules provides that 30% of the total posts of drivers shall be filled up by promotion from the regular Group-D employees having valid license for driving vehicles.

4. Rule 10(c) of the Tripura Government Drivers Service Rules (Seventh Amendment) Rules, 2011 provides further that the Transport Department is authorized to take practical test and interview to assess suitability of Group-D employees for promotion to the post of

Drivers. The Department is further authorized to recommend the names of eligible Group-D employees for promotion to the post of drivers following roster having found them suitable.

5. By the memorandum under No.F.198-Trans/2008 dated 20.06.2013 [Annexure-5 to the writ petition] the Transport Department recommended the Group-D employees for promotion subject to the order of merit, verification of academic records, age proof etc. as mentioned in the Tripura Government Drivers Service Rules (Seventh Amendment) Rules, 2011. From the list, it appears that both the petitioners namely Subal Das (Peon) and Manik Das (Night Guard) were recommended for promotion against the vacancies of the Driver (Group-C) in the concerned department.

6. So far the Departmental merit list is concerned, the petitioner No.2 is at the merit position No.1 and the petitioner No.1 is at the merit position No.4. The petitioners do belong to the Scheduled Caste category. The petitioners have averred in the writ petition [see para-2.6] as follows :

**"The Additional Secretary, Transport Department, Government of Tripura issued a Memorandum bearing reference No.F.1(8)-Trans/2008 dated 20.06.2013, inter alia noting that the Departmental Promotion Committee (DPC for short) was constituted by the Transport Department, whereby the petitioners were recommended for promotion."**

7. The petitioners have further averred that even though, the said recommendation was made on 20.06.2013 but till today, the said memorandum has been not acted upon by promoting the petitioners in the post of Driver (Group-C) employee. The petitioners have further averred that they had approached the appropriate authority but there had been no positive yield. However, with the writ petition, no copy of such representation is available.

8. Be that as it may, the respondents in their reply have admitted that the petitioners were recommended by the Transport Department for their promotion under Rule 10(b) of the said rules. In para-13 of the reply, the respondents have asserted that the list of recommended Group-D employees was received from Transport Department for giving promotion in order of merit & seniority subject to verification of academic record, age proof etc. and accordingly the merit list in question was sent to the D.M. & Collector, West Tripura during the year 2013 for placing the matter to DPC as the D.M. & Collector, West Tripura, Agartala usually looks after promotion etc.

9. It may be noted that the petitioners are working under the Rural Development Department and the District Magistrate and Collector in the concerned district is the appointing authority for direct recruitment or promotion. But this court has failed to understand why further DPC is required while Rule 10(C) of the Tripura Government Drivers Service Rules (Seventh Amendment) Rules, 2011 has categorically provides that the Transport Department is authorized to take practical test and interview to assess suitability of Group-D employees for promotion to the post of Drivers. The Department is further authorized to recommend the names of eligible Group-D employees for filling up the promotional post of drivers on the basis of roster.

Apparently, there is no requirement of holding any further DPC but the recommendation made by the Transport Department has to be implemented having due regard to the vacancies, the roster for reservation, seniority and merit of the recommended persons. Even if the formal DPC has to recommend, no earthly reason has been assigned for such inordinate delay.

10. It is really shocking to note that for that purpose the respondents have taken six years. Even, after six years, the petitioners are not aware what happened to the said recommendation by the Transport Department. Even, in the reply filed by the respondents they have not stated how many vacancies are available, but it can be presumed that there are vacancies and that is the reason why the requisition was sent to the Transport Department for recommending the names of eligible Group-D regular employees for appointment by promotion to the post of driver in terms of Rule 10(b) of the said Rules.

11. In this circumstances, this court is of the view that the respondents shall take their decision on the recommendation made by the Transport Department as reflected in the memorandum under No.F.1(8)-Trans/2008 dated 20.06.2013 [Annexure-5 to the writ petition] having due regard to the seniority, the roster for reservation, the merit position etc. as per Rules within a period of three months from the date when the petitioner shall furnish a copy of this order to the respondents. If there are adequate numbers of vacancies to accommodate both the petitioners, the order of promotion shall also be passed within the said period as stipulated above.

In terms of the above observation and direction, this petition stands allowed.

There shall be no order as to costs.

A copy of this order be furnished to Mr. D.C. Saha, learned counsel appearing for the respondents for doing the needful.

**JUDGE**