

**Uin HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.368 of 2020

Sri Samir Biswas

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

W.P.(C) No.370 of 2020

Sri Dasarath Debbarma

...Petitioner (s)

V e r s u s

The State of Tripura & Ors.

...Respondent (s)

For Petitioner (s)	:	Mr. A. Bhowmik, Adv.
For Respondent (s)	:	Mr. D. Bhattachajee, G.A.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

30.06.2020

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned G.A. appearing for the respondents.

These writ petitions being W.P.(C) No.368 of 2020 and W.P(C) No.370 of 2020 are consolidated for disposal by a common judgment as the consensus in the Bar that the controversy as raised in the petitions is squarely covered by a previous decision of this court.

In these cases, the petitioners were appointed as the Graduate Teachers and they have been freshly appointed also as the Graduate Teachers, but they have not been provided with the benefit of their past service as per Para-125 of **Tanmoy Nath & Ors. vs. The State of Tripura & Ors.**, reported in **(2014) 2 TLR 731**. That apart, their regular pay and

allowances have not been fixed in terms thereof. Having situated thus, they have approached this court.

Mr. Bhowmik, learned counsel appearing for the petitioners has submitted that the controversy raised in these writ petitions is squarely covered by the judgment and order dated 29.01.2020 delivered in W.P.(C) No.295 and 2020 [Smt. Sangita Reang and others vs. State of Tripura and Ors.] where this court has categorically observed that these cases are covered by a previous decision of this court in **Babul Debnath vs. the State of Tripura and others**. It has been further observed in **Sangita Reang** (supra) as the Government has denied the benefit of protection of past service to the teachers being regularly selected and appointed as under:

"5. It is not in dispute that insofar as para 125 reproduced (supra), with emphasis is concerned, has attained finality.

The State is bound to comply with the same. To our reading, if any one of the already selected candidates are again selected in terms of the fresh selection process, then their earlier services so rendered by them has to be counted for the benefit of seniority, pension and all other purposes.

6. Before us, it is not in dispute that the present writ petitioners, pursuant to the directions issued by this Court reproduced (supra) had participated in the fresh selection process so undertaken by the Government. It is also not in dispute that they stand selected, in accordance with law. Also letters of appointment stand issued, which they accepted and the petitioners posted with their joining at the appropriate places of posting. Their selection and appointment is to the very same post to which they earlier stood selected and appointed.

7. It is the petitioners' grievance that notwithstanding the directions issued by this Court, unambiguous in nature, the State Government, in utter disregard, rather in contempt, have issued fresh letters of appointment, completely ignoring the past services so rendered by them and treating their service as a fresh from the date of their selection so undertaken pursuant to and in terms of fresh selection process.

8. Well, to our mind, this exercise undertaken by the Government is not in the spirit, rather in utter disregard of the directions issued by this Court. The directions as we have already expressed are unambiguously clear. Past service rendered by a candidate, who was selected and had discharged his/her duties had to be counted for the purposes of seniority, pension and all other benefits. Candidates stood selected to the very same post.

9. As such, in our considered view, the writ petition needs to be allowed with a direction to the State to treat the past service of each one of the petitioner(s), so rendered in relation to the earlier selection process, for the purposes of seniority, pension and all other benefits. All consequential action shall positively be undertaken by the State within a period of 3(three) months. Equally, monetary benefits, if any, shall be disbursed within the aforesaid period.

10. In view of the aforesaid observations, the present petition stands disposed of, reserving liberty to the writ petitioners to seek further direction(s), if so required, by way of separate application in these proceedings. Pending application(s), if any, also stand disposed of accordingly."

These cases fall in Category-I as devised in the said judgment. Therefore, there shall be full protection of their past service as envisaged in Para-125 of the judgment in the case of **Tanmoy Nath** (supra).

In view of the above development, this court does not find any difficulty to pass the similar direction in these cases.

Accordingly, the respondents are directed to grant the petitioners full benefit of past service for the purpose of seniority, pension and all other benefits. The respondents would make payment of arrears pay and allowances, as would accrue, within a period of 3[three] months from the date when a copy of this order would be received by them.

In terms of the above, these writ petitions stand allowed and disposed of.

There shall be no order as to costs.

JUDGE