

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.715 of 2019

For Petitioner (s)	:	Mr. R. Datta, Adv.
For Respondent(s)	:	Mr. H. Sarkar, Adv.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

29.09.2020

Heard Mr. R. Datta, learned counsel appearing for the petitioner as well as Mr. H. Sarkar, learned counsel appearing for the respondents.

By means of this writ petition, the petitioner has urged this court to direct the respondents release the salaries of the petitioner for the months of March to April, 2016 and December, 2018 to June, 2019 which stood withheld by the respondents and also for direction to grant the pay scale of Rs.9570-30000/-, PB-3 with Grade Pay of Rs.3500 on completion of 10 years of continuous and satisfactory service as the 1st ACP to the petitioner w.e.f. 01.12.2013.

Mr. Datta, learned counsel appearing for the petitioner has submitted that the prayer for releasing the salary would not be insisted by the petitioner as subsequent to filing of the writ petition, an order has been passed by the competent authority and that has not been challenged by the petitioner. Mr. Datta, learned counsel has further submitted that by filing the counter affidavit dated 28.09.2020 the respondents have acceded to the claim of the petitioner. For this purpose, he has shown the paragraph-3 of the said additional counter affidavit:

"3. That, I say that the Respondent No.2, i.e. the Executive Engineer, PWD (WR), Division No.II, Kunjaban, Agartala has initiated the proposal for allowing benefit under ACP-1 as per TSCS (RP) Rule, 2009 to the petitioner, after completion of 10(ten) years service, to the Superintending Engineer, W.R. Circle-1, Agartala vide No.F.2(340)/EE/WRD-II/2521 dated 22.09.2020 along with its enclosures."

Mr. Sarkar, learned counsel appearing for the respondents has also admitted that the respondents will release the pay scale of Rs.9570-

30000/-, PB-3 with Grade Pay of Rs.3500 or its revised pay scale w.e.f. 01.12.2013 in favour of the petitioner for successful completion and satisfactory service of 10 years from the date of appointment as ACP-I.

In view of this, no further cause survives for adjudication and accordingly, the writ petition is disposed of as infructuous.

It is made absolutely clear that if the petitioner is dissatisfied by any order passed for withholding of his salary, the petitioner will be at liberty to take the appropriate step in accordance with law.

In view of the above statement made in the additional counter affidavit in respect of releasing ACP-I, it is ordered that within a period of 3[three] months from the date the petitioner shall submit a copy of this order, accrued financial benefit shall be released in favour of the petitioner.

In terms of the above, the writ petition stands disposed of.

No order as to costs.

JUDGE



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