

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.265 of 2023

Smti. Tanusree Das and 4 Others

.....Petitioners

V_E_R_S_U_S

The State of Tripura & 4 Others.

.....Respondents

For Petitioner(s)	:	Mr. S. Dey, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

28/04/2023

Heard Mr. S. Dey, learned counsel appearing for the petitioners.
Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for granting one advance increment in favour of the petitioners under Rule-13(1) (v) of the Tripura State Civil Services (Revised Pay) Rules, 2009 and also for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby a decision has been taken to provide lumpsum benefit to the teachers. Further violating the statutory rules and right of the petitioners to get an advance increment as per Rule-13(1)(v) of the Tripura State Civil Services (Revised Pay) Rules, 2009.

The petitioners have prayed for the following reliefs:

- i. Issue notice upon the respondents.
- ii. Call for the records.
- iii. Issue rule calling upon the respondents to show cause as to why the petitioners shall not be given benefit of one increment as per Rule-13(1) (v) of the Tripura State Civil Services (Revised Pay) Rules, 2009 along with arrears of financial benefit.

AND

Issue rule calling upon the respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted all benefits in terms of the judgment and order dated 19.01.2022 passed in WP(C) No.602/2021 as upheld by the Ld. Division Bench vide judgment and order dated 06.12.2022 passed in W.A. No. 309/2022 and other batch matters (Annexure-19 and 20 of the writ petition).

iv. And after hearing the parties, be pleased to make the rule absolute.”

All the petitioners are serving under grain-in-aid schools of the government of Tripura. it is highlighted that as per Tripura Grant-in-aid (Government aided schools) Rules, 2005 all government rules, regulations, etc. including Revision of Pay Rules viz. TSCS (RP) Rules, 2009 applies to government aided schools. Therefore, Rule-13(1) (v) of the rules of 2009 applies to government aided schools. The petitioners completed their B.Ed. after entry into service and prior to 01.01.2009 and as such, the petitioners were entitled to an advance increment under Rule-13(1)(v) of Rules, 2009.

With regard to the increment under Rule-13(1)(v) of Rules, 2009, this Court vide judgment and order dated 19.01.2022 held that in service teachers who completed B.Ed. prior to 01.01.2009 were entitled to increment under Rule-13(1)(v) of the ROP Rules, 2009. Against the said judgment the State of Tripura preferred an appeal before the learned Division Bench which was subsequently vide order dated 06.12.2022 dismissed the appeal affirming the judgment and order of the learned Single Judge. Similarly, the petitioners completed their B.Ed. after entry into service but, prior to the cut-off date i.e. 01.01.2009 and were thus, entitled to increment under Rule-13(1)(v) of ROP Rules, 2009.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on

merits, the present writ petition stands disposed of directing concerned respondents to consider and dispose of the case of the petitioners in the light of the judgment and order as aforementioned, within a period of three months from the date of receipt of the copy of this order.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

