

**HIGH COURT OF TRIPURA
AGARTALA**

Review Pet. No.21 of 2023

The State of Tripura and Ors.

....Petitioner(s)

Versus

Smt. Sharmistha Chhetree Chakraborty and Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. M. Debbarma, Addl. GA
For the Respondent(s)	:	Mr. A. Bhaumik, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

31/07/2023

Heard Mr. M. Debbarma, learned Addl. GA appearing for the review petitioners. Also heard Mr. A. Bhaumik, learned counsel appearing for the respondents, the original writ petitioners.

The question as raised by learned Addl. GA appearing for the review petitioners is that whether respondents no.1 and 2, namely Smt. Sharmistha Chhetree(Chakraborty) and Smt. Supriti Das respectively will be governed by Rule 13(1)(ii) of ROP Rules, 2009 or Rule 13(1)(v) of ROP Rules, 2009.

The respondents no.1 and 2 entered into service in the year 2011 and 2012 respectively and they obtained B.Ed. degree prior to their dates of appointment under the review petitioners.

Rule 13 of ROP Rules, 2009 reads as under:

“13. Training Incentive :- (1) In supersession/modifications of existing circulars, notifications issued from the State Government relating to training incentives, the following provisions are made:

(i) Those teachers who had obtained B.Ed degree/UGBT certificate between the period from 01.01.1986 to 31.12.1995 after expiry of 7(seven) years of service but did not get any benefit of training incentive shall be provided one increment in the pre-revised scale on 01.01.2006 or from the date of coming over to these rules for the purpose of revision of their pay under these rules.

(ii) Those teachers who had obtained B.Ed/UGBT certificate before entry in the service and had not got any other form of training incentive shall also be provided one increment in the pre-revised scale as incentive on 01-01-2006 or from the date of coming over to these rules or from the date of his appointment whichever is later for the purpose of revision under these rules.

.....
(v) In respect of following categories of employees the existing system of providing training incentive in the form of one increment is replaced with lump sum incentive grant indicated in table below:

<i>Category of training</i>	<i>Category of employee involved</i>	<i>Duration of training</i>	<i>Lump sum incentive amount.</i>
<i>B.Ed.</i>	<i>Teacher</i>	<i>One year</i>	<i>Rs.3000/-</i>
<i>T.Ed.</i>	<i>Teacher</i>	<i>Six months</i>	<i>Rs.2000/-</i>
<i>CETE</i>	<i>Teacher</i>	<i>Six months</i>	<i>Rs.2000/-</i>
<i>UGBT</i>	<i>Teacher</i>	<i>One year</i>	<i>Rs.2500/-</i>
<i>CPE</i>	<i>Teacher</i>	<i>Six months</i>	<i>Rs.1500/-</i>
<i>VLW training</i>	<i>Agri Asst.</i>	<i>1+1=2 years</i>	<i>Rs.2500/-</i>
<i>Forestry training</i>	<i>Forester</i>	<i>One year</i>	<i>Rs.2500/-</i>
<i>B.P.Ed.</i>	<i>PI(recruited under old RR)</i>	<i>One year</i>	<i>Rs.3000/-</i>
<i>Accounts</i>	<i>Clerks</i>	<i>Six months</i>	<i>Rs.2000/-</i>

Note : *This system of providing lump sum incentive grant will take effect from 1st January, 2009 for all cases who have completed training on or after 1.1.2009.”*

The contention of the review petitioners is that the respondents being entered into service after 01.01.2009 will not be entitled to get the benefit of advance increment in view of clarification under “Note” in clause (v) of Sub-rule 1 of Rule 13 extracted here-in-above.

Having gone through the aforesaid rules, in my opinion, the respondents would be governed by clause (ii) of Sub-rule 1 of Rule 13 of

ROP Rules, 2009. Clause (ii) of Rule 13(1) of ROP Rules, 2009 prescribed that one increment will be applicable to the persons who have been appointed even after 01.01.2009 having acquired B.Ed. degree prior to the dates of their appointment. Clause (v) of Rule 13(1) will be applicable to in-service candidates who underwent training on or after 01.01.2009.

In the instant case, the respondents nos.1 and 2 were appointed in the year 2011 and 2012 respectively and at the time of entering into service they were having B.Ed. degree. As such, the respondents would fall under third category of clause (ii) of Sub-rule 1 of Rule 13 of ROP Rules, 2009. This proposition has already been settled by a coordinate Bench of this Court in WP(C) No.703/2019, titled as ***Sri Kamanashis Das and Ors. vs. State of Tripura and Ors.***, where it is held thus:

[12] One may recall, clause (ii) of Rule 13(1) introduced the concept of granting one advance increment to those teachers who entered the service with higher qualification of B.Ed. Such increment would be available even to existing employees who may not have got such benefit in the past. The date from which the benefit would be available was 1st January, 2006(which obviously will cover existing teachers) or from the date of coming over to the rules or from the date of appointment of the teacher whichever is later. In other words, even if a teacher is appointed after 1st January, 2006 but possessed qualification of B.Ed at the time of the entry in service, he would be entitled to advance increment in terms

of the said clause from their date of appointment. The third situation of being brought over to ROP 2009 can have reference only for those who may have been appointed after 1st January, 2006 but before 1st January, 2009. Thus, the third category of cases where the effective date of grant of the benefit which is the date of appointment, must have a reference to those who are appointed after 1st January, 2009 since, in their cases, there will be no question of a choice of being brought over to the new rules. To my mind, thus there is a clear indication in this rule itself that the same will continue to have effect even after 1st January, 2009.”

So, it is clarified that the respondents-writ petitioners, being appointed after 01.01.2009, having obtained B.Ed. degree prior to their date of appointment, are entitled to get one increment which has already been held by this Court vide judgment and order dated 23.11.2022, passed in connection with WP(C) No.328/2021 and other connected writ petitions, and the same is not called for interference.

Accordingly, the instant review petition stands dismissed.

Pending application(s), if any, also stands disposed.

JUDGE