

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 952 OF 2021

Sri Amritangshu Bal Vrs. The State of Tripura & 10 Ors.

Present:

For the petitioner (s) : Mr. Koomar Chakraborty, Advocate.

For the respondent(s) : Mr. D. Bhattacharya, G.A.
Ms. N.C. Saha, Advocate.

HON'BLE MR.JUSTICE ARINDAM LODH

31.03.2023

Order

Heard Mr. K. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned G.A. assisted by Ms. N.Chakma Saha, learned counsel appearing for the State-respondents.

The case of the petitioner is that while he was holding the post of Upper Division Clerk (UDC), he was eligible for promotion to the post of Head Clerk cum Accountant. It is contended that the private respondents had undergone and acquired the Accounts training conducted by State-respondents, but, the petitioner was not considered to impart training in Accountancy though he had willingness for such training. Accordingly, the promotion was carried out from the persons who underwent training in Accountancy. The grievance of the petitioner is that one Smt. Rupa Rani Dey (Saha) had been considered for promotion to the post of Head Clerk cum Accountant who was junior to him.

Per contra, Mr. Bhattacharya, learned G.A. appearing for the State-respondents has submitted that since the petitioner's name was not in the promotion zone, his name was not considered.

I have considered the submissions of learned counsels appearing for the parties.

It is revealed that Smt. Dey (Saha) whose name appeared at Sl. No.198 in the final seniority list was considered, but, the name of the petitioner was not considered for undergoing Accounts training, though, he is senior to Smt. Dey (Saha) whose Sl. No. appeared at 171 of the seniority list.

In view of this, the petitioner was deprived of being considered for promotion to the post of Head Clerk cum Accountant without his fault.

The State-respondents in their counter affidavit has stated that -- *“with respect to paragraph 2.12 I say that during selection of training for 30th Sessions of Tripura Accounts cum Administrative Training, the petitioner was not in the zone of promotion as he did not complete 5(five) years’ of service in the UDC Grade at that time. Hence, the name of the petitioner did not come in the proposed list of 30th Sessions.”*

According to me, the above quoted statements are inconsistent to the final seniority list published by the State-respondents. The name of the petitioner appeared in the list much above Smt. Dey (Saha) and his name ought to have been proposed before inclusion of said Smt. Dey (Saha), the private respondent no.11.

Be that as it may, I direct the respondents to promote the petitioner to the post of Head Clerk cum Accountant from the date his junior was promoted. Furthermore, with such promotion, the petitioner shall be entitled to arrears of pay and other service benefits according to Rules which shall be fixed notionally.

It is further directed that if the petitioner is promoted to the post of Accountant, then, he would be sent for Accounts training to discharge his responsibilities as Accountant. The entire process shall be completed within a period of two months from the date of receipt of a copy of this order.

With the above direction, the instant writ petition stands allowed and disposed of.

JUDGE