

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.405 of 2024

Sri Jiban Chandra Das,

W/o-Sri Prabhat Chandra Das, R/o-East Howaibari, P.O.-Howaibari, P.S.-Teliamura, District-Khowai, Pin-799205, Age-42 years.

....Petitioner(s)

Versus

- 1. The State of Tripura**, represented by its Principal Secretary, School Education Department, Government of Tripura, P.O.-Secretariat, P.S.- New Capital Complex, District-West Tripura, Pin-799010.
- 2. The Director of Secondary Education**, Directorate of Secondary Education, School Education Department, Government of Tripura, P.O.- Agartala, P.S.-West Agartala, District-West Tripura, Pin-799001.
- 3. The Principal Secretary**, Finance Department, Government of Tripura, P.O.-Secretariat, P.S.-New Capital Complex, District-West Tripura, Pin- 799010.

....Respondent(s)

For the Petitioner(s) : Mr. A. Bhaumik, Advocate

For the Respondent(s) : Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

30/11/2024

By means of filing the present writ petition, the petitioner has prayed for 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 Petitioner shall not be given the benefit of one increment as per Rule 13(1)(ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 alongwith 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 Petitioner shall not be granted all financial benefits as per the Judgment and order dated 19th March, 2021 passed in W.P.(C) No.703/2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in W.A. No.207/2021 as well as judgment and order dated 23.11.2022 passed in W.P.(C) No.469/2021 (Annexure 10 to the Writ Petition).

AND

(iv) And after hearing the parties, be pleased to make the rule absolute."

2. Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

3. Briefly stated, the petitioner was appointed as Post Graduate Teacher in Political Science on 15.07.2010. Thereafter, he was on fixed pay for a period of 5(five) years of his service. On completion of 5(five) years on fixed pay, the petitioner was given the benefit of regular pay scale. At the time of his initial appointment as Post Graduate Teacher, the petitioner had the degree of B.Ed. which was a qualification higher than the entry level qualification for the post in question. It is the grievance of the petitioner that having entered into service as Post Graduate Teacher with B.Ed. degree, his service is covered under Rule 13(1)(ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 and accordingly, he is entitled to one advance increment, which was denied to him. Hence, the present writ petition.

4. At the very outset, Mr. Bhaumik, learned counsel for the petitioner submitted that the present writ petition is well covered by the judgment and order of the learned Single Judge(A. Kureshi, CJ, as he then was) of this Court dated 19.03.2021 passed in **WP(C) No.703 of 2019** titled as ***Sri Kamanashis Das & Ors. vs. The State of Tripura & Ors.*** Against the judgment and order of the learned Single Judge, the State has preferred an appeal which has been upheld by a Division Bench of this Court in **WA No.207 of 2021**, titled as ***State of Tripura & Ors. vs. Kamanashis Das & Ors.*** Learned counsel therefore prayed for disposing the present writ petition in terms of the directions passed in ***Kamanashis Das(supra)***.

5. This proposition has not been opposed by learned GA appearing for the respondents-State.

6. I have gone through the aforesaid judgment passed by learned Single Judge in ***Kamanashis Das(supra)***. The relevant portion of the said judgment may be reproduced here-in-below:

“16. In the result, it is provided that all the petitioners would be entitled to one advance increment in terms of Rule 13(1)(ii) of ROP 2009 from the respective dates when they were brought over to regular pay scales. This pay fixation would, however, be for notional purpose till the date of filing of the petition after which they would be entitled to arrears of salary. These directions shall be carried out within a period of 4(four) months from today.

Petition is disposed of accordingly. Pending application(s), if any, also stands disposed of.”

7. Since the factual aspects of the present writ petition is similar and identical to the subject matter of the case of ***Kamanashis Das(supra)***, the present writ petition is also, therefore, allowed and disposed of in the same terms.

8. The respondents are directed to pay one advance increment and other financial benefits to the petitioner in line with the directions given in ***Kamanashis Das(supra)***.

9. The entire process shall be completed within a period of 4(four) months from the date of receipt of a copy of this order.

10. With the above observation and directions, the instant writ petition stands disposed of.

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

JUDGE

Snigdha

SANJAY GHOSH Digitally signed by
SANJAY GHOSH
Date: 2024.11.30
15:51:20 +05'30'