

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.224 of 2025

Sri Swapan Debnath

---Petitioner(s)

Versus

The State of Tripura and 5 Others

----Respondent(s)

For Petitioner(s)	:	Mr. Purusuttam Roy Barman, Sr. Adv. Dr. Mihirlal Roy, Adv.
For Respondent(s)	:	Mr. Pradyumna Gautam, Sr. G.A. Ms. Pinki Chakraborty, Adv. Mr. Debalay Bhattacharya, Sr. Adv. Mr. Samar Das, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

29/08/2025

Learned Senior Counsel Mr. P. Roy Barman assisted by Dr. Mihirlal Roy, Learned Counsel appears for the petitioner.

Learned Sr. G.A. Mr. P. Gautam assisted by Ms. P. Chakraborty, Learned Counsel appears for the respondents No.1-4 and Mr. D. Bhattacharya, Learned Senior Counsel assisted by Mr. S. Das, Learned Counsel appears on behalf of the respondents No.5 and 6.

The Pleadings are complete.

In course of hearing Learned Counsel appearing for the petitioner first of all drawn the attention of the Court referring Annexure-5 i.e. the communication dated 07.04.2025 written by Senior Accounts Officer to the Executive Engineer (Mechanical), Department of Agriculture & F. W., Office Lane, Agartala. For the sake of convenience the relevant portion of the communication is mentioned herein under:

"With reference to your office letter No.F.2(51)-Agri/EE(M)/P/2019-20/2614-16 dated 12/02/2025, on the subject cited above, I am to state that, on scrutiny of the Service book of Shri Swapan Debnath, Retd., Jr. Engineer (Mech.) it has been observed that, as per FR-

22(i)(a)(2) pay would be fixed at Rs.8,350/- on 10/03/1999 after CAS-2 with D.N.I. on 10/03/2000 instead of 01/01/2000. Similarly, if Shri Debnath was exercised option to get the benefit on his increment date which is on 01/01/2000 then the pay would be fixed at Rs.8,350/- on 01/01/2000. Accordingly, in both the conditions last pay would be fixed at Rs.1,20,500/- instead of Rs.1,27,800/-.

In view of above, you are requested to re-examine the case and if agreed re-fix the pay accordingly w.e.f. 10/03/2000 or 01/01/2000 (as per option exercised) and make proper entry of the rectified pay regulation in the Service book with attestation of DDO. The Service book of the pensioner may please be resubmitted after rectification of pay along with an attested due-drawn statement of pay and allowances, leave salary encashment, revised LPC.

In this connection, in case the total overpayment amount of pay & allowance and leave salary exceeds Rs.2,50,000/- then you are requested to recover the said amount through challan and furnish a copy of that challan to this office. However, PPO & CPO have been issued based on last pay of Rs.1,20,500/- and the GPO will be issued on receipt of your reply.

An early reply is requested to settle the case at earliest."

Referring the same it has been further submitted by the Learned Counsel for the petitioner that the petitioner is in apprehension that due to reduction of pay there may be chance of recovery of amount from him and for that the petitioner has approached this court under Article 226 of the Constitution of India seeking mandamus.

Learned Sr. G.A. Mr. P. Gautam assisted by Ms. P. Chakraborty, Learned Counsel appearing for the respondents No.1-4 submitted that there is no cause of action in this case. As such he prayed for dismissal of the writ petition.

Learned Senior Counsel Mr. D. Bhattacharya assisted by Mr. S. Das, Learned Counsel appearing for the respondents No.5 and 6 submitted that the petitioner has to satisfy the court the exact cause of action showing that his right has been curtailed or he has been deprived of any legal right. Since the petitioner has failed to project any such cause of action, so the instant writ petition is not maintainable. However, he submitted that scope may be given to

the petitioner to make representation to appropriate authority seeking redressal of his grievances.

From the contention of the petitioner it appears that his pay has been reduced to Rs.1,20,500/- instead of Rs.1,27,800/- and it is proposed to recover excess amount, if any. But no such recovery memo is issued by the authority and there is also no evidence on record that for redressal of grievance the petitioner approached to the authority concerned. The copy of the said communication dated 07.04.2025 was also communicated to the present petitioner.

So after hearing both the sides and also after going through the pleadings of the parties and the documents annexed with the writ petition it appears that just on the basis of mere apprehension and in absence of cause of action there is no scope to exercise any writ jurisdiction under Article 226 of the Constitution of India and accordingly the present writ petition is disposed of with a direction to the petitioner to submit a representation to the appropriate authority within a period of three weeks from the date of receipt of the copy of this order and the respondents authority shall thereafter dispose of the representation filed by the petitioner after giving proper hearing/opportunity to him within next further period of two months so that no injustice is caused to the petitioner.

In view of the above, this instant writ petition stands disposed of.

JUDGE

Moumita