

No.13 (61) PD/16 / 2338
GOVERNMENT OF TRIPURA
HOME DEPARTMENT

Dated, Agartala, the 18th July, 2018

To
The Director General of Police,
Tripura, Agartala.

Subject: - Compliance of the judgment & order dated 06.04.2018 passed by the Hon'ble High Court of Tripura in W.P(C) No.1613 of 2017(Sri Bir Chandra Jamatia-Vs- the State of Tripura & Ors.) & other similarly situated Writ Petitions and order dated 04.05.2018 passed in W.P(C) No.1636 of 2017(Sri Ajit Kr. Biswas -Vs- The State of Tripura & Ors.) & other similarly situated writ petitions.

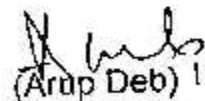
Sir,

I am directed to refer to the subject mentioned above and to convey approval for complying the judgment & order dated 06.04.2018 passed by the Hon'ble High Court of Tripura in W.P(C) No.1613 of 2017(Sri Bir Chandra Jamatia-Vs- the State of Tripura & Ors.) & 25 other similarly situated Writ Petitions and order dated 04.05.2018 passed in W.P(C) No.1636 of 2017(Sri Ajit Kr. Biswas -Vs- The State of Tripura & Ors.) & 12 other similarly situated Writ Petitions.

I am also directed to request you to kindly prepare a full proof database of those Sub-Inspectors who have been appointed before 01.01.1996 within next one month for sending the same to Finance Department, Government of Tripura, as sought for.

This is for kind information and necessary action.

Yours faithfully,


(Arup Deb) 13.7.18

Under Secretary to the
Government of Tripura

GOVERNMENT OF TRIPURA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
TRIPURA :: AGARTALA

No. 24067-106(3)
F.RV(47)/PHQ/2017(Part-II)


Dated, 27/07/2018.

Copy for information & necessary action to :-

- 01-08. The Superintendents of Police, West Distt./Khowai Distt./Sepahijala Distt./
South Distt./Gomati Distt./Unakoti Distt./North Distt./Dhalai Distt.,
Tripura.
- 09-17. The Supcrintendents of Police, EB/MTF/Commn./Proc./Security/GRP/Traffic/
CID/Special Branch, Tripura.
- 23-38. The Commandants Home Guards/CTI/BW HG BN/SAF/TSR, 1st/2nd/3rd/5th
/6th/7th/8th/9th/10th/11th/12th/13th BNS, Tripura.
39. The Commandant A.Ch. Rama Rao, TSR Training Centre Tripura.
40. The Commandant ICAT School, Kachucherra, Tripura.
41. The Principal KTDS, Narsingarh, Tripura.
42. The Addl. SP (E-Gov. Cell), PHQ, Agartala, Tripura, to post this in Tripura
Police website and also send it to all office concerned through e-mail.

Copy also to:-

- 1-3. O/S- (Accounts)/(Pay Cell) (General), PHQ, Tripura.


27/7/18
Carey Marak, IPS)
Asstt. Insp. Genl. of Police (Estt.),
For Director General of Tripura,
Tripura, Agartala.

Government of Tripura
Office of the Director General of Police
Tripura: Agartala



No. 1322-23/R-314/DGP/LC/2017(L)

Dated 27 July 2018

To
The Asstt. Insp. Genl. of Police (Estt),
PHQ, Agartala, Tripura.

Subject:- Transmission of copy of common Order dated 06-04-2018 passed by the Hon'ble High Court of Tripura in case No. WP(C) - 1613 of 2017 (Sri Birchandra Jamatia -Vs- The State of Tripura & Ors) and other similarly situated 25 (twenty five) Writ Petitions and common Order dated 04-05-2018 passed by the Hon'ble High Court of Tripura in case No. WP(C) - 1636 of 2017 (Sri Ajit Kr. Biswas -Vs- The State of Tripura & Ors) and other similarly situated 12 (twelve) Writ Petitions.

Please find enclosed copy of common Order dated 06-04-2018 passed in case No. WP(C) - 1613 of 2017 (Sri Birchandra Jamatia -Vs- The State of Tripura & Ors) and other similarly situated 25 (twenty five) Writ Petitions and common Order dated 04-05-2018 passed in case No. WP(C) - 1636 of 2017 (Sri Ajit Kr. Biswas - Vs- The State of Tripura & Ors) and other similarly situated 12 (twelve) Writ Petitions passed by the Hon'ble High Court of Tripura, contents of which is self explanatory.

2. In this respect, Under Secretary, Home Department, Govt. of Tripura vide letter No. F.13(61)-PD/16/2338 dated 18-07-2018 has conveyed administrative approval of the Government towards compliance of the common order dated 06-04-2018 and 04-05-2018 respectively passed by the Hon'ble High Court of Tripura in connection with the above mentioned cases (**Copy enclosed**).

It is requested to take necessary action for compliance the common order dated 06-04-2018 and 04-05-2018 respectively of the Hon'ble High Court of Tripura as per letter dated 18-07-2018 of the Home Department. Action taken in this regard may please be intimated to this office.

The matter may please be treated as High Court priority.

Encl :- As stated.

[Signature]
26.7.18
(Lalhminga Darlong)
Dy. Insp. Genl. of Police(Crime).
For Director General of Police.
Tripura.

Copy to :-

The Under Secretary, Home Department, Govt. of Tripura for information please.

[Signature]
(Lalhminga Darlong)
Dy. Insp. Genl. of Police(Crime).
For Director General of Police.
Tripura.

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[Handwritten signature]

**HIGH COURT OF TRIPURA
AGARTALA**

1. WP(C) No.1613/2017

Sri Bir Chandra Jamatia, S/o- Late Mukta Hari Jamatia, resident of village Gulmura, P.O. Jitendranagar(Tulamura), P.S. Kakraban, Sub-Division- Udaipur, District- Gomati Tripura.

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

Connected with

2. WP(C) No.1614/2017

Tapan Kumar Deb Roy, S/o- Late Rohini Kumar Deb Roy, resident of North Bardowali (NBRC Para), P.O- A.D Nagar, Sub-Division- Sadar, West Tripura, Pin-799003.

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

3. WP(C) No.1616/2017

Sri Prafulla Kumar Paul, S/o- Late Jogesh Chandra Paul, resident of village Badharghat, P.O. Siddhi Ashram, P.S. A.D Nagar, Sub-Division- Agartala, West Tripura, Pin-799003.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

4. WP(C) No.08/2018

Sri Deb Kumar Sinha, S/o. Late Krishna Kumar Sinha, resident of village Goldharpur, P.O. Goldharpur, P.S. Kailashshar, Sub-Division- Kailashahar, District- Unakoti Tripura.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

5. WP(C) No.09/2018

Shyamal Kanti Chakraborty Thakur, S/o. Late Surendra Kumar Chakraborty Thakur, resident of 131652 Thakur Palli Road, Ker Chowmuhani, Krishnagar, P.O. Agartala, P.S. West Agartala, Sub-Division- Sadar, District- West Tripura.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

6. WP(C) No.227/2018

Sri Debajyoti Gautam, S/o- Late Amulya Chandra Gautam, resident Ramnagar, P.O. Ramnagar, Akhuara Road, Sub-Division- Sadar, West Tripura, Pin-799002.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat

Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

7. WP(C) No.228/2018

Sri Shyamaprasad Biswas, S/o. Late Manmohan Biswas, resident of Akhuara Road, Near Western Club, P.O. Agartala, Sub-Division- Sadar, West Tripura, Pin-799002.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

8. WP(C) No.229/2018

Sri Tushar Kanti Das, S/o. Late Sailendra Chandra Das, resident of 44, Thakurpalli Road, P.O. Agartala, Sub-Division- Sadar, West Tripura, Pin-799001.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

10. WP(C) No.230/2018

Sri Pradyot Bhaumik, S/o. Late Gopal Chandra Bhaumik, resident of Ramnagar Road No.1, South Lane No.2, P.O. Ramnagar, Sub-Division- Sadar, West Tripura, Pin-799002.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

11. WP(C) No.231/2018

Sri Rupak Chakraborty, S/o. Late Jogesh Chandra Chakraborty, resident of College Tilla, Near Bijoy Club, P.O. Agartala College, Sub-Division- Sadar, West Tripura, Pin-799004.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

-----Respondent(s)

12. WP(C) No.232/2018

Sri Nityananda Debnath, S/o. Late Mahesh Chandra Debnath, resident of A.D. Nagar, Road No.5, Nivedita Lane, P.O. A.D. Nagar, Sub-Division- Sadar, West Tripura, Pin-799003.

----- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

-----Respondent(s)

13. WP(C) No.233/2018

Sri Bimalangshu Das, S/o. Late Paran Chandra Das, resident of Thakurpalli Road, Krishnanagar, P.O. Agartala, Sub-Division- Sadar, West Tripura, Pin-799001.

----- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex,

Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

14. WP(C) No.265/2018

Sri Chandi Kr. Chakma, S/o. Sri Tanu Mohan Chakma, resident of 11th Battalion TSR (IR-VII), P.O. Gokulnagar, P.S. Bishalgarh, District- Sepahijala Tripura, Pin- 799002.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

15. WP(C) No.266/2018

Sri Binode Debbarma, S/o. Late Bishu Chandra Debbarma, resident of village- Ujan Abhoynagar, Near- Netaji Club, Agartala, P.O. Ujan Abhoynagar, P.S.- East Agartala, District- West Tripura.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

16. WP(C) No.267/2018

Sri Brajendra Debbarma, S/o. Sri Chhabi Chandra Debbarma, resident of A.D Nagar, Police Quarter No.C/11, PO & PS- A.D. Nagar, Sub-Division Agartala, District- West Tripura, Pin-799003.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

17. WP(C) No.268/2018

Sri Birendra Debbarma, S/o. Late Tilak Chandra Debbarma, resident of KTD Singh Police Training Academy, Narsingarh, P.O.

Bimangarh P.S- Airport, Sub-Division Bamutia, District- West Tripura.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

18. WP(C) No.269/2018

Sri Prabir Debbarma, S/o. Late Bardhaman Debbarma, resident of A.D. Nagar, Police Quarter No. C/6, P.O & P.S- A.D. Nagar, Sub-Division Agartala, District- West Tripura, Pin-799003.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

19. WP(C) No.293/2018

[1] Smt. Lily Das, wife of Late Priyatosh Das [2] Smt. Rituparna Das, daughter of Late Priyatosh Das [3] Smt. Aliza Das daughter of Late Priyatosh Das.

All of them are residents of village Banamalipur, Opposite of Ramthakur Temple, P.O. Agartala, P.S. East Agartala, Sub-Division- Agartala, District- West Tripura, Pin-799001.

(Petitioner No.3 is the minor daughter of petitioner No.1 and she is represented by her mother, natural guardian- Smt. Lily Das, Petitioner No.1).

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

20. WP(C) No.327/2018

Sri Ratan Kumar Sarkar, S/o. Late Makhan Chandra Sarkar, resident of Belabar, P.O. S.D Mission, P.S.- Amtali, District- West Tripura, Pin-799003.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat

Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

21. WP(C) No.328/2018

Sri Ratan Majumder, S/o. Late Narayan Majumder, resident of North Joynagar, P.O. Agartala, P.S.- West Agartala, District- West Tripura, Sub-Division Agartala, Pin-799001.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

22. WP(C) No.329/2018

Sri Prasun Kanti Tripura, S/o. Late Gopinath Tripura, resident of village- Dhumacherra, P.O. Dhumacherra, P.S.- Dhumacherra, District- Gomati Tripura, Pin-799001.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

23. WP(C) No.330/2018

Sri Sunil Murasing, S/o. Late Nityananda Murasing, resident of village- Uttar Tulamura, P.O. Jitendranagar, P.S.- Kakraban, District- Gomati Tripura, Pin-799001.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

24. WP(C) No.120/2018

Sri Jagadish Debbarma, S/o. Late Surendra Debbarma, resident of – Unakoti, Kailashahar, P.O. Gournagar, P.S.- Kailashahar, District- Unakoti Tripura, Pin-799179.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

-----Respondent(s)

25. WP(C) No.123/2018

Sri Nani Gopal Debbarma, S/o. Late Samprai Debbarma, resident of – A.D. Nagar Police Quarter Complex, Qtr No.C/3, P.O. A.D. Nagar, P.S.- A.D. Nagar, District- West Tripura, Pin-799003.

----- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

-----Respondent(s)

26. WP(C) No.124/2018

Sri Dhan Kr. Kalai, S/o. Late Mangal Chandra Kalai, resident of village- Kulai, Gandacherra, P.O. Ambassa, P.S.- Ambassa, District- Dhalai Tripura, Pin-799204.

----- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex,

Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

27. WP(C) No.135/2018

Sri Budha Debbarma, S/o. Late Nakul Debbarma, resident of village- Gamcha Kubra Para, P.O. Bodhjung Nagar, P.S.- Lefunga, Sub-Division- Mohanpur, District- West Tripura, Pin- 799210.

---- Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

For Petitioner(s) : Mr. Somik Deb, Advocate.

For Respondent(s) : Mr. S. Chakraborty, Addl. G. A.,
Mr. J. Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

06/04/2018

The present batch of writ petitions have been filed by the employees who are appointed as Sub-Inspectors before 01-01-1996 and their grievances are that the pay scales which they are entitled for on completion of ten years and further seven years of service under the Career Advancement Scheme (for short 'CAS') has been denied to them.

2. The petitioners have prayed that their pay scales on completion of their ten years and further seven years of service may be revised in terms of the Tripura State Civil Services (Revised Pay) Rules, 1999 with corresponding amendment which may take place from time to time. Counsel for the petitioners submits that the very subject in issue raised by the present batch of writ petitioners have been earlier examined by the Coordinate Single Bench of this court in the batch of writ petitions and that came to be decided vide judgment dt. 20-02-2017 and this court considers it appropriate to quote Para 18 of the judgment which is relevant for the present purpose is reproduced hereunder :

"18. Now this court will consider the submissions in respect of the remaining writ petitions in this batch. In view of the two decisions as referred above, this court is inclined to declare that the initial pay of the Sub-Inspectors of police (Armed and Un-armed/SI of police (Border Wing)] or Supervisor shall be borne in the same level fixed in the scale of pay of Rs.1450-3710 with effect from 01-01-1986 and they are entitled to the said pay scale in terms of the fixation formula as provided in the ROP Rules, 1988 and with effect from 01-01-1986 or from the date of their respective appointments. It is further

clarified that on completion of their ten years of service in the post of Sub-Inspector of Police without any promotion they will be entitled to the movement to the scale of pay of Rs.1700-3980/-. Thus, instead of their initial pay being fixed in the scale of pay of Rs.1300-3220, their initial pay shall be fixed in the scale of pay of Rs.1450-3710/-. It is further declared that on completion of ten years of service, in the scale of pay of Rs. 1450-3710/- in the post of Sub-Inspector of Police without any promotion, the petitioners shall be moved the scale of pay of Rs.1700-3980/- or its corresponding scale of pay of Rs.7450-13000/- under the ROP Rules, 1999 [see judgment dated 10.01.2006] and the petitioners would be entitled to the scale of Rs.2000-4410/- and its corresponding revised scales by way of movement if the petitioners continued in the post of Sub-Inspector of Police without any promotion on completion of seventeen years of service without any promotion. Even thereafter, if the petitioners are entitled, they will be entitled to get the benefits of Career Advancement Scheme (modified) with effect from 01.01.1999 under Section 10 of the ROP Rules, 1999. The petitioners who were appointed after 01.01.1996 shall wholly be guided by the ROP Rules, 1999. As there is no challenge against any provision of the ROP Rules their writ petitions being bereft of merit are dismissed. However, this observation shall not create any embargo in their approaching the court, if they are aggrieved by any provisions of the said ROP Rules, 1999 and they are permitted to do so.”

3. It has been informed that a review petition No.29/2017 was filed at the later stage and that has been decided vide order dt.09-11-2017 and Para 18 of the earlier judgment was reframed and that has been extracted by Para 7 of the judgment in review which is reproduced hereunder:

“It is further declared that on completion of ten years of service, in the scale of pay of Rs. 1450-3710/- in the post of Sub-Inspector of Police without any promotion, the petitioners shall be moved the scale of pay of Rs.1700-3980/- or its corresponding scale of pay of Rs.7450-13000/- under the ROP Rules, 1999 [see judgment dated 10.01.2006] and the petitioners would be entitled to further advancement in due course on completion of 7(seven) years of continuous service in the grade of Sub-Inspector and in the scale of pay of Rs.7450-13000/- to

the scale of pay of Rs.3000-5000/-(pre-revised) and its corresponding revised scale of Rs.10,000-15100/- as rendered by the judgment dated 28-05-2015 delivered in WP(C) No.259 of 2006[Shri Ajit Kumar Sinha versus The State of Tripura & Others.]”

After passing of the review order and directions of the court, this has been replaced in the main judgment delivered by this court dt.20.02.2017.

4. Counsel for the petitioners submits that the present batch of writ petitioners are similarly situated and it has also been informed by the petitioner’s counsel that against the judgment on which he has placed reliance came to be challenged by the State Government in Special Leave to Appeal No.21037/2015 and that has been dismissed by the Apex Court at the motion stage vide order dt.07-12-2015. It has been further informed to this court that after dismissal of the special leave to appeal by the Apex Court, the State Government has implemented the order in respect of the writ petitioners who approached this court by filing their respective writ petitions of which reference has been made.

5. Counsel for the petitioners submits that the question is no more *res integra* and the present batch of writ petitioners being similarly situated are entitled to the same relief *mutatis mutandis* which has been granted by this court for their revision of pay scales under the Career Advancement Scheme, 1999 on completion of ten years and further seven years of service in the scale of Inspector and Deputy Superintendant of Police accordingly.

6. Counsel for the respondents seriously opposed the prayer made in the writ petitions and submits that there is a inordinate delay in filing the writ petitions and at least they are not entitled for arrears. At the same time, counsel further submits that there are minor discrepancies in the present cases of the petitioners and are not entitled for revision of pay scale merely on completion of ten years and further seven years of service but it depends upon the satisfactory record of service and counsel submits that in terms of the view which has been expressed by the Single Bench of this court although it has been implemented by the Government but still requires to be re-visited/re-looked by this court and the question emerges for consideration to this court is as to whether it is open for this court within the limited scope of judicial review to examine as to what should be the pay scale to the employees which is admissible under the law other than what has been prescribed by the rule making authority under its statutory power conferred under proviso to Art.309 of the constitution unless there is an apparent discrepancy in the grading of the pay scale which is not the case of the petitioner is still open for this court to review and revisit within its limited scope of judicial review u/Art. 226 of the Constitution of India.

7. After having heard counsel for the parties, it is not disputed that the issue has been decided by the Single Bench of this court directing the pay scale which has become admissible to the employees who are appointed on or before 01-01-1996 as Sub-Inspectors on completion of their ten years and further

seven years of service in the scale of Inspector and Deputy Superintendent of Police respectively, in terms of the judgment.

8. I have also gone through the judgment and I find myself in conformity with the view expressed by the Id. Single Judge in his judgment and needs no further indulgence, as being prayed for by the respondent's counsel.

9. The submission made by the respondent's counsel about the delay in approaching this court is also without substance for the reason that it was the responsibility and legal obligation of the State Government to grant the scale of pay to which the employees are to be entitled for on completion of their ten years and further seven years of service but if the State Government has failed to discharge its legal obligation which compelled the writ petitioners to approach this court invoking writ jurisdiction u/Art.226 of the constitution it is at least not open for the State to question the delay as being alleged, shifting the burden of the employees in approaching this court and availing remedy u/Art.226 of the constitution of India.

10. It is not the case of the respondent that the delay, as alleged, in any manner has become fatal which may deny the rights of the individuals because delay is ordinarily fatal when third party rights intervened in the meantime and in the absence thereof, the submission of the respondent's counsel about the delay in approaching this court is without substance and stands rejected.

11. So far as the submission made in respect of re-visiting the matter of fixation of pay scale which is the jurisdiction of the rule making authority is not open for review when a Single Bench of this court has examined the issues and has given cogent reasons and after I have gone through the judgment, I find no reason to re-examine the issues as already settled by this court.

12. Consequently, the present batch of writ petitions stands disposed of in the same terms as has been decided by the Single Bench of this court on which a detailed reference has been made and all the petitioners are entitled for the revision of their pay scales on completion of ten years and further seven years of service in the scale of Inspector and Deputy Superintendant of Police *mutatis mutandis* as being granted to the writ petitioners who earlier approached this court which has been decided vide judgment dt.20-02-2017 read with a modification made in the review application by a later order dt.09-11-2017. This court further directs the respondents to ensure compliance of the order and make the payment of arrears to the employees/writ petitioners within four months. No cost.

CHIEF JUSTICE

*Certificate : All corrections made in the judgment/
order have been incorporated in the judgment/order.*

Dipesh.

**HIGH COURT OF TRIPURA
AGARTALA**

1. WP(C) No.1636/2017

Sri Ajit Kr. Biswas, S/O. Lt. Anil Chandra Biswas, R/o. Ward no.12,
Thana Road, Dharmanagar, P.S. & P.O.-Dharmanagar, Dist.-North
Tripura, PIN-799250.

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura.

3. The Director General of Police, Government of Tripura, having his office at Police Head Quarters, P.O. Agartala, P.S. West Agartala, Sub-Division- Agartala, West Tripura.

----Respondent(s)

Connected with

2. WP(C) No.1674/2017

Nil Ratan Laskar

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

3. WP(C) No.1675/2017

Phani Bhusan Nath

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

4. WP(C) No.1676/2017

Gopesh Ch. Sarkar

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

5. WP(C) No.1677/2017

Subhash Ch. Sinha

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

6. WP(C) No.97/2018

Jaharlal Debbarma

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

7. WP(C) No.163/2018

Sima Biswas

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

8. WP(C) No.182/2018

Sukla Sen

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

9. WP(C) No.183/2018

Saktipada Bhattacharjee

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

10. WP(C) No.294/2018

Nepal Ch. Das

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

11. WP(C) No.326/2018

Bhanulal Singha

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

12. WP(C) No.405/2018

Kashinath Ghosh

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

13. WP(C) No.406/2018

Nepal Ch. Dey

----Petitioner(s)

Versus

The State of Tripura & others

----Respondent(s)

For Petitioner(s) : Ms. S. Deb (Gupta), Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A.,
Mr. Arijit Bhowmik, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

04/05/2018

Counsel for the petitioners submits that in the instant batch of writ petitions, all the petitioners were appointed before 01.01.1996 as Sub-Inspectors and their grievances are that the pay scales which they are entitled for on completion of 10 years and further 7 years of service under the Career Advancement Scheme (for short 'CAS') has been denied to each of them.

2. Counsel for the petitioners further submits that this court has an occasion to examine the self same question and the issue came to be decided in the earlier batch of writ petitions vide judgment dt. 20.02.2017 although some clarification was made on a later Review Petition No.29/2017 decided vide order dt. 09.11.2017 and Para-18 of the judgment dt. 20.02.2017 was reframed and extracted in Para-7 of the judgment in review and

that has also been quoted by this court while deciding the earlier batch of writ petitions vide order dt. 06.4.2018.

3. Counsel for the petitioners submits that the present writ petitioners are also similarly situated and appointed as Sub-Inspectors before 01.01.1996 and since self same grievance has been examined by this court, the present petitioners are also entitled the same relief *mutatis mutandis* as granted to the writ petitioners who are similarly situated and appointed before 01.01.1996.

4. Copy was served to the State counsel on 20.12.2017 to seek instructions. The matter thereafter came up before the court on 18.01.2018. Counsel for the State sought time. It was further adjourned for 22.3.2018. Still the court granted indulgence and posted the matter on 02.5.2018 and on that day court further posted the case on 04.5.2018. Today also it is the usual practice of the Government counsel seeking time to file counter affidavit.

5. The facts narrated by the petitioners have not been disputed/countered by the respondents, I find no reason to grant further indulgence to the State counsel prayed for.

6. In the light of order earlier passed by me in WP(C) No.1613/2017 (Sri Bir Chandra Jamatia Vs. The State of Tripura & others) and connected writ petitions decided on 06.4.2018, I consider appropriate to dispose of the present batch of writ petitions accordingly.

7. Consequently, the present batch of writ petitions stands disposed of in the same terms as has been decided by the Single

Bench of this court of which detailed reference has been made and all the petitioners are entitled for the revision of their pay scales on completion of ten years and further seven years of service in the scale of Inspector and Deputy Superintendent of Police *mutatis mutandis* as being granted to the writ petitioners who earlier approached this court which has been decided vide judgment dt.20-02-2017 read with a modification made in the review application by a later order dt.09-11-2017. This court further directs the respondents to ensure compliance of the order and make the payment of arrears to the employees/writ petitioners within four months. No costs.

CHIEF JUSTICE

Certificate:- All corrections made in the judgment/order have been incorporated in the judgment/order.

Pulak

