

**GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT
SECRETARIAT COMPLEX : AGARTALA**

No.F. 2(24)/GA(P&T)/05(Vol-II)

Agartala, December 26, 2016

To
The Secretary,
Tripura Public Service Commission,
Agartala

Sir,


Your letter dated 24/12/2016 alongwith a legal notice dated 23/12/2016 sent by Advocate, Sri Debesh Ch. Roy addressed to the Chief Secretary, the undersigned and the Chairman, TPSC have been sent to the Ld. Advocate General, Tripura through the Law Department for examination for next course of action.

2. Having examined the legal implication in the given situation, the Ld. Advocate General has again recorded the following observation in the relevant file on 25/12/2016 :-

"I reiterate my earlier view that such principle would be equally applicable to other Departments. The Government may act accordingly."

3. In view of the recorded observation of the Ld. Advocate General, the Tripura Public Service Commission and other Departments are requested to act upon the Memorandum dated 14/12/2016 issued by GA(P&T) Department, Secretariat complex, Agartala accordingly.

Yours faithfully,


(R.P. Datta)

Addl. Secretary to the
Government of Tripura

Copy to :-

All Departments/Heads of Departments, Government of
Tripura, Agartala



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GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT
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Agartala, December 14, 2016

MEMORANDUM

Whereas, upon the common judgment pronounced by the Full Bench of the High Court of Tripura on 09/04/2015 in WP(c) No. 189/2011 (Jayanta Chakraborty vs. State of Tripura and others) and in two other similar cases and thereafter SLP filed before the Supreme court and order passed, there was no promotion provided/effectuated for the employees serving under the State of Tripura for the last one and half years because of non-convening of DPC by the departments/PSUs under the State Government and TPSC etc. in spite of the fact that because of accumulated vacancies arisen particularly in the higher posts, the State Government has been facing serious dislocation in implementing day to day ongoing projects/schemes.

2. **Whereas**, many UR, SC or ST category employees have gone on retirement, in the meantime, without any promotion facing financial loss in fixation of pensionary benefits, inspite of, sufficient accumulated vacancies left for them.

3. **Whereas**, the UR, SC or ST employees jointly and separately submitted representations to the State Government to continue to provide promotions to the employees as per existing reservation policy, subject to final outcome of the SLP now pending before the Supreme Court.

4. **Whereas**, in the meantime, it has come to the notice of the State Government that the High Court of Tripura has, in administrative side, clarified to the District Judges (DPC constituted for promotion of employees in subordinate Courts) that the promotion to the ministerial staff of the Subordinate Judiciary be effected maintaining the existing reservation policy of the State, subject to outcome of the SLP pending in Supreme Court. The District Judges have also issued promotion orders in the line of the clarification issued by the High Court.

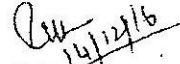
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5. **Whereas**, this important issue has been examined by the Ld. Advocate General, Tripura and it has been observed that the clarification of the High Court given for the employees of the Subordinate Judiciary is also applicable to the employees of the State Government.

AND

6. Now, the State Government, having considered all the prevailing circumstances, therefore, advises all the Departments of the State Government that DPC can be convened as per the reservation policy of the State existed prior to the pronouncement of the judgment by the Hon'ble High Court of Tripura on 09/04/2015 in the cases referred above against available vacancies for UR, SC and ST, subject to outcome of the SLP now pending in Supreme Court and accordingly all the concerned authorities are hereby directed to take appropriate step to implement this direction with letter and spirit.

By order


(R.P. Dutta)

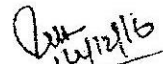
Addl. Secretary to the
Government of Tripura

To

All Departments/Heads of Departments, Government of Tripura, Agartala.

Copy to:-

1. Principal Secretary to the Chief Minister, Tripura, Agartala.
2. PS to all Ministers, Government of Tripura, Agartala.
3. PPS to the Chief Secretary, Tripura, Agartala.
4. All Principal Secretaries/Secretaries/DGP/PCCFs, Tripura, Agartala.
5. TPSC/All PSUs/Corporations/Local Bodies etc., Tripura, Agartala.


(R.P. Dutta)

Addl. Secretary to the
Government of Tripura