



**HIGH COURT OF TRIPURA
A G A R T A L A**

WP(C) No.06 of 2025

Manik Tripura,

Son of Late Kashta Mani Tripura, resident of village Banshpadua, PS & Sub-Division Belonia, District South Tripura, Pin 799156, Age 44 years.

....**Petitioner(s)**

Versus

- 1. The State of Tripura,**
Represented by the Commissioner & Secretary to the Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 2. The Commissioner & Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 3. The Deputy Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 4. The District Magistrate & Collector, South Tripura District,**
PO & PS Belonia, District South Tripura.

....**Respondent(s)**

WP(C)No.07 of 2025

Swapna Bal (Mahajan),

Wife of Sri Nepal Chandra Mahajan, resident of South Mirzapur, Belonia Nagar Panchayat, PO Sarashima, PS & Sub-Division Belonia, District South Tripura, Pin 799155, Age 55 years.

....**Petitioner(s)**

Versus

- 1. The State of Tripura,**
Represented by the Commissioner & Secretary to the Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 2. The Commissioner & Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
- 3. The Deputy Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.

4. **The District Magistrate & Collector, South Tripura District,**
PO & PS Belonia, District South Tripura.

....Respondent(s)

WP(C)No.08 of 2025

Tejendra Baidya,
Son of Late Anil Baidya, resident of Town Camp, village East Kalabariya, PO Maichhara, PS & Sub-Division Belonia, District South Tripura, Pin 799155, Age 58 years.

....Petitioner(s)

Versus

1. **The State of Tripura,**
Represented by the Commissioner & Secretary to the Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
2. **The Commissioner & Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
3. **The Deputy Secretary, Finance Department,**
Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura.
4. **The District Magistrate & Collector, South Tripura District,**
PO & PS Belonia, District South Tripura.

....Respondent(s)

For the Petitioner(s) : Mr. Koomar Chakraborty, Advocate.
For the Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.
Date of hearing & delivery of Judgment & Order : **24th July, 2026.**

Whether fit for reporting :	YES	NO
		√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

All the three writ petitions are heard together and are being disposed of by this common judgment as identical questions are involved in all these writ petitions. Out of the three writ petitions, WP(C) No. 06 of 2025 is treated as the lead case.

[2] The Part-D and Part-E of Schedule-I of the ROP Rules, 2009 (Annexure 8 of the lead case) provides that entry pay in the revised pay structure for direct recruits in UDC post appointed on or after 01.01.2006 shall be Rs.9,410/- (Basic Pay: Rs.7,310/- and Grade Pay: Rs.2,100/-). Thereafter, a notification was issued on 19.12.2012 (Annexure 9) by the Finance Department, Government of Tripura introducing Sixth Amendment of said ROP Rules w.e.f. 01.01.2006 revising the pay scale of Rs.7,310/- and Grade Pay of Rs.2,100/- to Basic Pay Rs.7,820/- and Grade Pay Rs.2,100/-, total Rs.9,920/-.

[3] Thereafter, another notification was issued by the Finance Department on 31.03.2015 (Annexure 10) w.e.f. 01.01.2006 revising Basic Pay of Rs.7,820/- and Grade Pay of Rs.2,100/- to Basic Pay of Rs.7,820/- and Grade Pay of Rs.2,800/-, total Rs.10,620/-.

[4] The petitioner in WP(C) No.06 of 2025 i.e. Sri Manik Tripura was promoted to the post of UDC from the post of LDC on 01.10.2013; the petitioner in WP(C) No.07 of 2025 namely, Smt. Swapna Bal (Mahajan) was promoted to the post of UDC on 08.10.2014 and the petitioner in WP(C) No.08 of 2025 namely, Sri Tejendra Baidya was also similarly promoted to the post of UDC on 08.10.2014. Therefore, according to them, their basic pay ought to have been guided by the Sixth Amendment of ROP Rules, 2009 and their total pay ought to have been Rs.9,920/- but, it was fixed at Rs.9,520/- which was much lesser than pay meant for direct recruits i.e. Rs.9,920/-. According to them, it required further enhancement in terms of said 12th Amendment of ROP Rules, 2015 and would be revised to Rs. 10,620/- later on.

[5] Mr. Koomar Chakraborty, learned counsel for the petitioners submits that after said mistakes were detected, same was regularized based on a guideline issued by the Finance Department dated 26.08.2019 (Annexure 11), however, as per said memorandum, correction was asked to be rectified notionally and actual financial benefit of higher pay scale was directed to be allowed to the eligible cases from 01.09.2019 only. It is also stated therein that where the Government employee had proceeded on retirement, their cases shall not be reopened. According to Mr. Chakraborty, learned counsel, in terms of said notification of Finance Department, the pay of the petitioners were regularized but actual benefit was provided to them w.e.f. 01.09.2019. It

is further submitted by Mr. Chakraborty, learned counsel that similar problems occurred amongst some other employees of different departments and ultimately, a writ petition was filed by one Sri Amritangshu Bal bearing No. **WP(C) 954 of 2021 (Sri Amritangshu Bal vs. the State of Tripura and others decided on 27.03.2023)** in this Court wherein a Coordinate Bench of this Court set aside said memorandum dated 26.08.2019 on the ground that the notional fixation as was directed by the Finance Department was unreasonable and it was also directed that the respondents would pay the arrears of the petitioner of that case within a period of three months. The relevant paragraph Nos.14, 15 and 20 of the said judgment are reproduced hereunder for better description:

“[14] The petitioner was drawing the revised pay in the lower post i.e. LDC and on being promoted to the higher post of UDC in terms of the said impugned memorandum dated 26.08.2019 (Annexure-15) the pay of the petitioner was notionally fixed at Rs.9,920/- w.e.f. the date of his promotion to the post of UDC i.e. 09.10.2014 and the financial benefits therefore were released in his favour only w.e.f. 01.09.2019.

[15] Vide letters dated 11.07.2017 and 09.05.2017 and the memorandum dated 16.11.2016 and the office order dated 02.01.2019 Sri kriti Bhushan Chakma and Atul Debbarma were not only provided with the pay of Rs.9,920/- and the amended pay of Rs.10,620/- w.e.f. their respective dates of promotion to the post of UDC, but were also accorded with arrears of such financial benefits. In such view of the matter, it is submitted that the petitioner, being subsequently promoted to the post of UDC on 09.10.2014 is equally entitled to the arrears of the said financial benefits.

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[20] In view of the above, observations and submissions made by the learned counsel appearing for the parties, this Court is of the considered opinion that the petitioner has made out a case for interference and accordingly, the prayer as sought for by the petitioner in the present writ petition stands allowed. Consequently, the impugned letter dated 27.12.2018 and the impugned memorandums dated 10.07.2018 and the impugned memorandum dated 26.08.2019 stand set aside as the notional fixation is unreasonable. The proceeding under challenge which is for denying the arrears of the petitioner is also set aside. The respondents are directed to pay the arrears of the petitioner within a period of three months from the date of receipt of the copy of this order.”

[6] Mr. Chakraborty, learned counsel also brought to the notice of this Court another memorandum dated 21.06.2024 (Part of Annexure 13) by which necessary financial benefits was extended to the said petitioner, Amritangshu Bal by way of arrear from the date of his promotion to the post of UDC.

[7] Mr. Chakraborty, learned counsel also refers to a letter dated 11.12.2025 (Part of Annexure A of additional affidavit by the petitioner) of the District Magistrate & Collector, South Tripura, Belonia addressed to the Joint Secretary, Revenue Department recommending for providing actual financial benefits to all the present three petitioners as per said ROP 2009 as amended and ROP 2017. But, according to the petitioners, said correspondence of the District Magistrate & Collector, South Tripura is not responded to by the Revenue Department till date. Mr. Chakraborty, learned counsel, therefore, finally prays for a direction to the respondents to pay all the actual financial benefit as arrears to all the three petitioners as stated above from the date of their promotion to the post of UDC.

[8] Mr. Mangal Debbarma, learned Addl. G.A. on the contrary submits that as per above said memorandum dated 26.08.2019, only notional fixation has been allowed from the date of promotion of petitioners to the post of UDC till 01.09.2019 and therefore, their fixation of pay was done accordingly with said direction and actual financial benefit was paid from 01.09.2019.

[9] Court has considered the submission of both sides.

[10] As it appears, the matter is already decided by a Coordinate Bench of this Court in case of **Sri Amritangshu Bal (supra)**, holding that fixation of his pay notionally till 31.08.2019 was unreasonable and arbitrary. Therefore, on that point no further deliberation and decision are required in the present petitions. The cases of all the three present petitioners are already covered by said decision. In the light of said decision also, the District Magistrate & Collector, South Tripura has already recommended payment of arrears to the petitioners from the date of their promotion to the post of UDC till 31.08.2019. Therefore, the contention of the State respondents that the actual financial benefit as per the terms of said memorandum of Finance Department dated 26.08.2019 is payable from 01.09.2019, is not acceptable.

[11] In view of above, all the three writ petitions are allowed. The respondents are directed to make payment of actual financial benefits by way of arrears to them from the respective date of their promotion to the post of UDC till 31.08.2019 in terms of ROP 2009 as amended from time to time and

thereafter, in accordance with ROP 2017 as amended. The entire exercise shall be done within two months from receipt of copy of this judgment.

With such observations and directions, all the writ petitions are disposed of.

Pending application(s), if any, shall also stand disposed of.

JUDGE



सत्यमेव जयते