



HIGH COURT OF TRIPURA
AGARTALA

WP(C)No.482 of 2026

Smt. Sabita Chakroborty Saha, W/O, Lt. Dilip Saha, R/O-
Pratapgarh, Subashnagar Debtilla, P.O.- Pratapgarh, P.S.- Golbazar,
District- West Tripura, Pin-799004.

....Petitioner(s)

Versus

1.The State of Tripura, represented by the Principal Secretary, Public
Works Department (Roads & Buildings), Government of Tripura, New
Secretariat Complex, Agartala, West Tripura.

2.The Under Secretary, Department of Personnel and Training
(DoPT), Ministry of Personnel, Public Grievances and Pensions,
Government of India, North Block, New Delhi-110001, India.

3.The Secretary Finance, Finance Department (GA & PT),
Government of Tripura, Secretariat Building, P.O. Kunjaban, Agartala,
Pin-799006, West Tripura.

4.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.

5.The Chief Engineer, Public Works Department (Roads &
Buildings), Government of Tripura, Agartala, West Tripura.

6.The Executive Engineer, Agartala Division No. III, Public Works
Department (Roads & Buildings), Government of Tripura, Agartala,
West Tripura.

....Respondent(s)

For Petitioner(s)	:	Mr. P.Roy Barman, Sr. Advocate. Ms.Sangita Ruhi Das, Advocate.				
For Respondent(s)	:	None.				
Date of hearing and Delivery of Judgment/ Order	:	10.08.2026				
Whether fit for reporting	:	<table><tr><td>Yes</td><td>No</td></tr><tr><td></td><td>✓</td></tr></table>	Yes	No		✓
Yes	No					
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order (Oral)

None is present for the Respondents.

[2] Heard Ld. Counsel Ms. Sangita Ruhi Das led by Ld. Sr. Counsel, Mr. P. Roy Barman for the petitioner.

[3] Vide order dated 23.07.2026, last chance was given to the Respondents to submit Counter Affidavit at least 3 days prior to the next date i.e. today, and it was also clarified that both the parties should remain ready positively today for hearing, but, no representation from the Respondents.

[4] The petitioner from the post of Lower Division Clerk (in short- LDC), went on retirement on 30.06.2021 after rendering satisfactory service for last 1 year w.e.f. 01.07.2020 to 30.06.2021. His increment fell due on 01.07.2021, and as because he retired on the previous day of the date 01.07.2021, the benefit of said increment was not provided to him. With such grievances, he has submitted this Writ Petition seeking the following relief:

- "i. Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing them, to transmit the records, relevant to the subject matter of this Writ Petition, for rendering substantive and conscionable justice to the Petitioner, and for quashing/setting aside the impugned Memorandum dated 23.06.2025 (Annexure-7 supra), insofar as it relates to the cut-off date of 01.05.2023.
- ii. Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to grant one notional annual increment, for completion of one full year of service (w.e.f. 01.07.2020 to 30.06.2021), and thereupon, to modify the PPO of the Petitioner in tune therewith, revising the pensionary benefits and monthly pension,



and to make payment of the arrears thereof, including all other consequential benefits flowing therefrom.

- iii. Call for the records, appertaining to this Writ Petition;
- iv. After hearing the parties, be pleased to make the Rule absolute in terms of (i) & (ii) above;
- V. Costs of and incidental to this proceeding
- vi. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper..."

[5] Ld. Counsel, Smt. Sangita Ruhi Das for the petitioner submits that, in this regard the petitioner sent one representation dated 13.04.2026 (Annexure-7) to the Executive Engineer, Agartala, Division-III, PWD (R&B), West Tripura which was turned down vide communication dated 12.06.2026 (Annexure-8) by the Executive Engineer, on the ground that as per memorandum dated 23.06.2025 of the Finance Department, Govt. of Tripura, notational increment is effective from 01.05.2023, but, the petitioner has gone on retirement prior to said date and therefore, he was not eligible for the same.

[6] Ld. Counsel, Smt. Das submits that already this issue has been decided in the case of **State of Tripura and Ors vs. Santanu Debbarma (WA 54 of 2025)** on 07.04.2026 by the Division Bench of this Court and also in the decision of this bench rendered in the case of **Dhirendra Kumar Das and Ors. vs. State of Tripura, [WP(C)No. 394 of 2025]** decided on 29.04.2026. Therefore, necessary direction may be given to the Respondents to provide the benefit one notional increment as on 30.06.2021.

Considered the submission.

[7] This issue has been decided by this Bench Judgment in **Dhirendra Kumar Das** (supra) in terms of the Division Bench Judgment in the case of **Sri Santanu Debbarma** (Supra).

Relevant paragraphs of **Dhirendra Kumar Das**(supra) are extracted herein below:



“[6] It appears that the matter is squarely covered by the said decision rendered in the case of Santanu Debbarma. Even the issue as raised by Ld. Addl.GA has also been discussed in Paragraph No.9 therein. The relevant paragraph Nos.8 to 11 of the said decision are extracted hereunder for useful reference to resolve the issue: “8. It is well settled that the original writ petitioner earned and accrued his increment for rendering his service for one whole year which fell due on or after 30.06.2019 i.e. from 1st July, 2019, onwards he is entitled for claiming his increment, whether he is in service or he has retired, makes no difference and his retirement will not any embargo or refrain him from collecting his increment money for the services he rendered throughout the previous accounting year. There is no restriction in the Fundamental Rules restraining the entitlement of the employee-petitioner to claim his increment on or after 01.07.2018 whether he is in service or not. A welfare State having extracted the services of an employee cannot deprive his employee from his legitimate entitlement of increment for the service he has rendered from 1st July, 2018 to 30th June, 2019. 9. The Memo dated 23.06.2025 as relied by learned Advocate General refers to an order dated 11.04.2023 passed by the Hon’ble Supreme Court in Civil Appeal no. 2471 of 2023 [SLP(C) No. 6185/2020] and interim Order dated 06.09.2024, fixing a cut-off date as on 01.05.2023. On careful examination and verification, it came to light that the said Memo cannot stand to this scrutiny as the relevance given to the said Memo to the Hon’ble Supreme Court in Civil Appeal no. 2471 of 2023, is only interlocutory application and later, on verification it has been found that the said interlocutory application pertaining to Review petitions stood dismissed by order dated 18.12.2024 on the ground that the Review petition was filed with delay of 461 days and the delay was not properly explained. In view of the same, the Memo dated 23.06.2025 issued by the State appellants carries no weightage as it became inoperative and this court express serious concern with regard to the said Memo and further directs the State-appellants that they cannot place any reliance to the said memo in respect of the cases of deciding increment by referring to the cut-off date, as indicated by the Hon’ble Supreme Court. 10. The increment is considered as a vested right earned by an employee through his satisfactory service. It cannot be considered as a reward for future service. Government employees are entitled to their annual increment earned for the preceding one year of service, even if they retire on the very next day it becomes due, which is aptly clarified by the Hon’ble Supreme Court in C.P. Mundinamani (supra). This court is in complete agreement with the view taken by a learned Single Judge of this High Court in WP(C) 315 of 2021 and WP(C) 316 of 2021, placing reliance on the decisions of Madras High Court in the case of P. Ayyamperumal (supra); the Delhi High Court in the case of Gopal Singh (supra). Further, as per FR 24 and 26, the original writ petitioner is entitled for a notional increment to be drawn after rendering one year service since there is no disciplinary case pending against him. It is irrelevant as to whether the original writ petitioner was on duty or not on 1st July, 2019. Thus, the action of the respondents in rejecting the drawl of increment on 1st July, 2019 is



against the statutory Fundamental Rule 11. In view of the above and for the reasons stated above, this court is of the opinion that the learned Single Judge of the High Court in WP(C) 739 of 2023 has rightly directed the appellants to grant one notional increment for the period from 01.07.2018 to 30.06.2019, which the original writ petitioner earned on the last day of his service for rendering his services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the learned Single Judge of the High Court in its Judgment and Order dated 18.12.2024, and the same stands uninterfered. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. As a sequel, pending application(s), if any, also stands dismissed.

[7] In view of the above decision, there is no further necessity to delve upon the issue as the dispute has already been settled by the Division Bench of this Court.

[8] In view of above, the Writ Petition is allowed.

The Respondents are directed to grant one notional increment to the petitioners for the service rendered by them preceding one year of their retirement. Such increment will be paid to them as on the respective date of their retirement and all pensionary benefits will be computed accordingly.

Arrear, if any, shall be paid to them within 2 months from receipt of the copy of this Judgment.

[9] With such observations and directions, the Writ Petition is disposed of....."

[8] In view of above, the Writ Petition is allowed with a direction to the Respondents to grant one notional increment to the petitioner for the service rendered by him preceding one year of his retirement. Such increment will be paid to him on the date of his retirement i.e. on 30.06.2021 and all pensionary benefits will be computed accordingly. Arrear, if any, shall also be paid to him within 2(two) months from receipt of the copy of this Judgment.

[9] With such observations and directions, the instant Writ Petition is disposed of.

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

JUDGE