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

W.P.(C) No.577 of 2024

Sri Piklu Dey
son of late Jyotish Chandra De, R/O-Dhawjanagar, R.F. Tilla, Police Line, P.O. Gokulpur, District- Gomati Tripura

……… **Petitioner(s)**

– V e r s u s –

1. **The State of Tripura**
   to be represented by the Secretary, Finance Department, P.S. New Capital Complex, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

2. **The Director,**
   Directorate of Audit (Finance Department), Government of Tripura, Civil Secretariat, New Capital Complex, P.O. Kunjaban

3. **The District Magistrate & Collector,**
   Khowai District, Khowai Tripura

4. **Sri Sujit Dey,**
   official address- Directorate of Tourism, Government of Tripura, Agartala, Tripura

5. **Sri Sujit Saha,**
   official address- Mohanpur R.D. Block, Mohanpur, Tripura

6. **Md. Dilip Miah,**
   official address- Directorate of Audit, Agartala, West Tripura

7. **Sri Narayan Debnath,**
   official address- Department of Finance, Government of Tripura, Agartala, West Tripura

8. **Sri Brijesh Talapatra,**
   official address- Department of Finance, Government of Tripura, Agartala, West Tripura

9. **Sri Abhijit Roy,**
   official address- Department of Finance, Government of Tripura, Agartala, Tripura

……..**Respondent(s)**

HIGH COURT OF TRIPURA
सत्यमेव जयते

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Adv. Ms. S. Debbarman, Adv.
For the Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.
Date of hearing & delivery of judgment and order	:	**29.01.2026**
Whether fit for reporting	:	Yes: — / No: √

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. S. Debbarman, learned counsel appearing for the petitioner and Mr. M. Debbarma, learned Addl. G.A. appearing for the state-respondents. Also heard Ms. K. Roy Barman, learned counsel appearing for the private respondents.

[2] Mr. Roy Barman, learned counsel submits that initially the petitioner was appointed as Auditor on fixed pay basis temporarily vide memorandum dated 28.03.2005 (Anneuxre-1). Thereafter, his service was regularised vide memorandum dated 16.09.2025 (Annexure-3). Final seniority list was also published thereafter wherein the name of the petitioner was placed at Sl. No.21 whereas the names of the private respondents were placed at Sl. Nos.35 to 39 and 87. Thereafter, a promotional order was issued on 14.03.2022 (Annexure-11) whereby the private respondents were promoted to the post of Audit Officer/Accounts Officer (TAAS, Grade-IV) though the private respondents were junior to the petitioner.

[3] Mr. Roy Barman, learned senior counsel also submits that as per the recruitment rules, the promotional post of Audit Officer/Accounts Officer (TAAS, Grade-IV) is required to be filled up from the Audit Officer, Grade-V who has completed 8 years of regular service in the feeder post and also who has passed the departmental examination. It is admitted position that those private respondents already passed the departmental examination when the said promotional order dated 14.03.2022 [Annexure-11] was issued but at that time, the petitioner did not qualify the same. However, later on, according to the petitioner, he passed the departmental examination and the result was published vide memorandum dated 22.05.2022 (Annexure-8). Thereafter, some other persons who were also junior to the petitioner (not party in this writ petition) were also promoted to the post of Audit Officer/Accounts Officer (TAAS, Grade-IV) depriving the petitioner vide memorandum dated

26.10.2022 (Annexure-12). Therefore, according to learned senior counsel, the petitioner has filed the writ petition challenging both the above said two promotional orders.

[4] Mr. Debbarma, learned Addl. G.A. however submits that when the second promotional order was issued on 26.10.2022 the petitioner did not pass the departmental examination. Therefore, his case could not be considered. Mr. Debbarma, learned Addl. G.A. also submits that actually the petitioner passed the departmental examination (Paper-I) in November, 2022 and (Paper-II) in February, 2022. Therefore, when the second promotional order was notified on 26.10.2022, the petitioner could not qualify the required departmental examination.

[5] An additional affidavit is submitted by the respondent No.2 in terms of the order dated 21.01.2026 stating that earlier a departmental examination for the post of Audit Officer/Accounts Officer was held on 11.02.2022 and in the said examination, the petitioner failed in Paper-I but passed in Paper-II. Thereafter, again he appeared in a departmental examination held on 23.11.2022 and in that examination, the petitioner successfully cleared Paper-I and therefore, he passed the required departmental examination after November, 2022.

[6] Accordingly, the respondent No.2 mentioning the date of publication of result of said departmental examination to be on 22.05.2022 [Annexure-8] was a typographical error and the result was actually published on 22.05.2023 and both the promotional orders dated 14.03.2022 and 26.10.2022 were issued when the petitioner did not qualify the departmental examination. Relevant documents in support of the said affidavit are also submitted therewith. Thus, it appears that the petitioner did not fulfill the required eligibility criteria for promotion to the post of Audit Officer/ Accounts Officer when those promotional orders were issued and therefore, rightly he was not promoted at that time.

[7] Mr. Roy Barman, learned senior counsel, however in that scenario, submits that the petitioner will be going on superannuation on 31.01.2026 and earlier promotions were made to the private respondents and other persons on ad-hoc basis by the above said two promotional orders. According to learned senior counsel, the promotional policy of June, 2021 of the State Government providing for giving ad-hoc promotion to the Government employees were later on modified by another notification dated 2nd December, 2025 and even after the said notification was issued in December, 2025, if any regular DPC would be held, in that case also the petitioner would get the promotion. Therefore, learned senior counsel submits that a direction may be issued to the State-respondents to consider the case of petitioner whenever such DPC is taken up for giving regular promotion to the said post of Audit Officer/Accounts Officer. Alternatively, Mr. Roy Barman, learned senior counsel also submits that such direction may be issued to the respondents that the petitioner may be promoted by creating a supernumerary post.

[8] In reply, Mr. Debbarma, learned Addl. G.A. however refers to the letter dated 22.07.2024 issued by the Director, Audit [Annexure-16] that there was no vacant post for which further promotional exercise could not be taken up by the respondents.

[9] Such submission of Mr. Roy Barman, learned senior counsel, cannot also be accepted for the reason that the petitioner will go on retirement on 31.01.2026 and there is no scope of giving any retrospective promotion [**Ref. Government of West Bengal & Ors. vs. Dr. Amal Satpathi, SPL (Civil)** relating to **Diary No.43488 of 2023** decided on 27.11.2024.]

[10] In view of factual position of the case and also keeping in mind the submissions of both sides, it appears that there is no merit in the writ petition as at the time of issuance of such promotional orders, the petitioner was not eligible for getting the same. Accordingly, the writ petition is dismissed.

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

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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Sujay