
(2015) 07 TP CK 0005
In the Tripura High Court
Case No : WP(C) No. 285 of 2014

Kalyan Debbarma

APPELLANT

Vs

The State of Tripura and Others

RESPONDENT

Date of Decision : 04-07-2015

Acts Referred:

Citation : (2015) 07 TP CK 0005

Hon'ble Judges : S.C. Das, J

Bench : Single Bench

Advocate : D.K. Biswas, for the Appellant; A.S. Lodh, Addl. G.A., Advocates for the Respondent

Final Decision : Disposed off

Judgement

S.C. Das, J.

1. The case is taken up for disposal at the admission stage itself.
2. Heard learned counsel, Mr. D.K. Biswas for the petitioner and learned Addl. G.A., Mrs. A.S. Lodh for the State respondents.
3. The issue appears to be very simple. Petitioner was working in the post of Accountant/Head Clerk in the Directorate of Small Savings, Group Insurance and Institutional Finance, Government of Tripura (hereinafter mentioned as Directorate). He was due to be promoted to the post of Office Superintendent of the Directorate. There were two posts of Office Superintendent. For promotion to the post of Office Superintendent, the requisite qualification was that one must have five years experience in the feeder post and must have accounts-cum-administrative training, etc.
 - 3.1. It is the case of the petitioner that he was promoted to the post of UDC on 18.02.1992 and thereafter he was promoted to the post of Accountant-cum-Head Clerk. He was eligible for promotion to the post of Office Superintendent and his name was considered by the DPC held on 03.07.2012. Though the post of Office

Superintendent was lying vacant, he was not promoted but his junior, Chitta Ranjan Debbarma was promoted and DPC's decision about promotion of the petitioner was kept under sealed cover on the ground that there was a confusion whether the petitioner passed accounts-cum-administrative training or not. Thereafter, on 27.08.2012 it was cleared by the Finance Department that the petitioner passed accounts-cum-administrative training course on 27.05.2004.

3.2. It is the grievance of the petitioner that even after the confusion was cleared that the petitioner passed the accounts-cum-administrative training, the sealed cover was not opened, whereas, again DPC meeting was held on 20.09.2013 and DPC recommended the name of Pankaj Kanti Ghosh for promotion in U.R. vacancy to the post of Office Superintendent. It is the case of the petitioner that he is the senior most and was eligible for promotion when the DPC held on 03.07.2012 and his promotion has been withheld without any reason.

4. Respondents contended that Chitta Ranjan Debbarma cleared his accounts-cum-administrative training before the petitioner and therefore in the first DPC his name was recommended for promotion and the recommendation in respect of the petitioner was kept under sealed cover since there was a confusion whether he passed accounts-cum-administrative training or not. In the second DPC dated 20.09.2013, Pankaj Kanti Ghosh's name was recommended for promotion against U.R. post.

5. It is an admitted position that there were two posts of Office Superintendent, one for U.R. and the other for S.T. It is not clear whether both the posts are now occupied or not. The petitioner also did not array in the writ petition the persons who are promoted in the meantime. So far as the DPC dated 03.07.2012 and DPC dated 20.09.2013, it appears that Kalyan Debbarma's name was considered but he has not given promotion though he cleared accounts-cum-administrative training and has got other requisite qualifications. There is no reason at all for withholding the promotion of the petitioner. The respondents are therefore directed to give promotion to the petitioner to the post of Office Superintendent immediately if there is a vacant post with all service benefits from the date the promotion was due to him as per the recommendation of DPC dated 03.07.2012.

6. With this direction the writ petition stands disposed of.