courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 05/09/2026

(2018) 01 TP CK 0006

In the Tripura High Court

Case No : 399 of 2014

Sri Tapan Chandra Das — APPELLANT

Vs

State of Tripura & Ors. — RESPONDENT

Date of Decision : 04-01-2018

Acts Referred:

Citation : (2018) 01 TP CK 0006

Hon'ble Judges : S. Talapatra

Bench : Single Bench

Advocate : P. Datta, B. Banerjee

Judgement

1. Heard Mr. B. Banerjee, learned counsel appearing for the State-respondents No.1, 2 & 3 and Mr. P. Datta, learned counsel appearing for the

Tripura Public Service Commission, the respondent No.4. None appears for the private-respondents. When the matter is called out for hearing,

none appears also for the petitioner. Even, no mention for adjournment has been made.

2. Mr. B. Banerjee, learned counsel appearing for the State-respondents has submitted that perhaps the petitioner has lost interest in prosecuting

his petition, as the respondents have complied the judgment of this court as would be evident from the notification under No.F.6(67)-

PWD(E)/85(S) dated 31.10.2014 [Annexure R/1], whereby the seniority of the petitioner in the Tripura Engineering Service (TES), Grade-III

(Civil) (in the post of the Executive Engineer), has been fixed above Sri Somesh Chandra Das (SC), the respondent No.6 and below Sri Tapan

Lodh, the respondent No.5.

3. It has been further provided by the said notification that the pay of the

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/sri-tapan-chandra-das-appellant-...

petitioner shall be fixed as per rules. Such re-fixation has been made on

the basis of the petitioner''s appointment on regular basis on promotion to the Tripura Engineering Service (TES), Grade-III (Civil) (in the post of

the Executive Engineer) with effect from 19.07.2002 when the respondent No.6 was so appointed.

4. Mr. B. Banerjee, learned counsel has further submitted that on the basis of the said seniority position in the Grade-III, (Civil), TES the petitioner

has been appointed on promotion to the TES Grade-II(Civil)(in the post of the Superintendant Engineer) on promotion as UR in the scale of pay

of Rs.13,575-37,000/- PB-4 GP Rs.5,600/- under the Public Works Department with effect from 10.10.2012, from the date when his junior, Sri

Ratan Ganguli was appointed. However, the said promotion was made subject to the decision of WP(C) No.321/05. According to Mr. B.

Banerjee, learned counsel, this takes cares of all relief/s urged by the petitioner.

5. By means of this writ petition, the petitioner had simply prayed for implementation of the judgment and order dated 10.01.2014 delivered in WP

(C) No.591 of 2010 read with the judgment and order dated 31.03.2014 delivered in W.A. No.05 of 2014. The petitioner has urged for directing

the official respondents to count his seniority in the grade of Executive Engineers with effect from 21.05.2009. Mr. B. Banerjee, learned counsel

has submitted that the petitioner has not challenged the notification dated 31.10.2014 as yet. However, from the records it appears that the

petitioner has urged that his appointment on regular basis shall be given effect from the date of his ad-hoc promotion. One of the major reasons for

delay in the appointment of the petitioner is that he was entangled a departmental proceeding.

6. Be that as it may, the last notification dated 14.01.2015 has not been challenged so far. Even though, the perspective of the writ petition has

undergone a qualitative change, the petitioner has responded to it by filing a rejoinder. In the rejoinder, the petitioner has stated that this court has

held in the judgment and order dated 31.03.2014 delivered in WP(C) No.301 of 2006 that the ad-hoc promotees are entitled to regularization

with retrospective effect from the date of ad-hoc promotion. Unless, the notification dated 31.10.2014 [Annexure R/1], and the notification dated

14.01.2015 under No.F.6(19)-PWD(E)/2014, a copy of which is made part of the

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/sri-tapan-chandra-das-appellant-…

record as stated are challenged by the petitioner, no relief can

be granted.

7. Accordingly, this petition stands dismissed. However, the petitioner shall be at liberty to approach this court in the event of his dis-satisfaction to

the notification dated 31.10.2014 [Annexure-R/1] and the notification dated 14.01.2015. There shall be no order as to costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/sri-tapan-chandra-das-appellant-…