

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.617 of 2025

Sri Amar Kanti Debbarma, Retd Executive Engineer, PWD (R&B), S/o. Late B.K. Debbarma, Near Ward Office No. 19 of AMC, Krishnanagar, Agartala, West Tripura, Pin: 799001.

.....Petitioner(s).

V e r s u s

1. The State of Tripura (Represented by the Secretary, Public Works Department, Government of Tripura), Secretariat, Capital Complex, Agartala, Pin: 799010.

2. The Secretary, Finance Department, Government of Tripura, Secretariat, Capital Complex, Agartala, Pin: 799010.

3. The Chief Engineer, PWD (R&B), Government of Tripura, Secretariat, Capital Complex, Agartala, Pin: 799010.

4. The Deputy Secretary, PWD, Government of Tripura, Secretariat, Capital Complex, Agartala, Pin: 799010.

5. The DDO & Head of Officer, O/o the Chief Engineer, PWD (R&B), Secretariat, Capital Complex, Agartala, Pin: 799010.

6. The Accountant General (A&E), Tripura, P.O: Kunjaban, P.S: New Capital Complex, Agartala, Pin: 799010.

7. The Senior Accounts Officer, O/o the Accountant General (A&E), Tripura, P.O: Kunjaban, P.S: New Capital Complex, Agartala, Pin: 799010.

.....Respondent(s).

For Petitioner (s) : Mr. Purusuttam Roy Barman, Senior Advocate.
Dr. Mihirlal Roy, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.
Mr. Debalay Bhattacharya, Senior Advocate.
Mr. Agniva Chakrabarti, Advocate.

Date of hearing and date of
delivery of Judgment & Order : **9th March, 2026**

Whether fit for reporting : **NO**

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (Oral)

Heard learned counsel of both sides.

[2] Learned counsel of the petitioner submits that the petitioner was initially appointed as an Overseer in Public Works Department (PWD) by an office

order dated 09.02.1987. Thereafter, in course of time and in pursuance of a decision of the Division Bench of this Court in case WA No.67 of 2014, he was promoted to the post of TES, Grade-III (Civil) Executive Engineer on regular basis (Promotional Order, Exhibit-5). The appointment on promotion, as per the said promotion order, was given effect from 09.09.2003. The petitioner has gone on retirement on 31.03.2023. Now, it is the grievance of the petitioner that upon his promotion, his pay fixation was not done from the date 09.09.2003. He sent a letter to the Chief Engineer, PWD (R&B), on 30.12.2004 (Annexure-10 to the writ petition) and subsequently issued another advocate's notice on 05.05.2025 (Annexure-11 to the writ petition), but according to the petitioner no reply was received by him. Therefore, the present writ petition has been filed with the following reliefs:

“(i) Admit the Petition;

(ii) Call for records;

(iii) Issue Writ in the nature of directing the Respondents to show cause as to why the financial benefit of the pay scale pertaining to promotional post of TES Grade-III(Civil) Executive Engineer w.e.f. 09.09.2003 against **Notification, dated, 07.12.2018 (Annexure-5)** be not granted to the Petitioner with arrear of enhanced salary w.e.f. 09.09.2003 to 31.03.2023;

(iv) Issue Writ in the nature of Mandamus calling up the Respondents to show cause as to why the Last Pay of the Petitioner on the date of retirement on superannuation be not re-fixed taking into consideration of the benefit of the pay scale pertaining to promotional post of TES Grade-III(Civil) Executive Engineer w.e.f. 09.09.2003 and accordingly the **PPO No.112342727, dated, 29.05.2023 (Annexure-9)**, issued by the Office of the Accountant General (A&E), Tripura be not modified;

(v) Issue Writ in the nature of Mandamus calling up the Respondents to show cause as to why the **Pension** of the Petitioner be not enhanced on the basis modified PPO asked for, with **re-fixation of Gratuity, Leave Salary** and accordingly be not made and entitled arrear/balance plus interest for deferred payment of enhanced pension, balance of Gratuity and Leave Salary be not paid;

(vi) Pass any further order/orders as this Hon'ble High Court consider fit and proper;”

[3] The State-respondents in the counter-affidavit have categorically mentioned the followings:

“But, upon promotion in the post of Executive Engineer, Civil, TES Grade-III (Diploma Holder), the pay of the petitioner was supposed to be fixed in the scale of Pay Rs.15,600-39,100/-, [Grade Pay: Rs.7000/-, Pay Band:4] under TSCS, (RP) Rules,2017{Rs.11,000-350-18,000/-, Pre revised scale under TSCS, (RP) Rules, 1999}. But, at the time of promotion to the post of Executive Engineer, Civil, TES Grade-III (Diploma Holder) on regular basis, the Petitioner was posted at Urban Development Department, on Deputation. Therefore, due to non availability of Service Book of the Petitioner with the Department, Administrative Department couldn't fixed up pay of the petitioner in the higher pay scale.

Further, it is submitted that an inadvertent mistake occurred during fixation of pay on promotion in respect of Shri Amar Kanti Debbarma TES Grade-III, Executive Engineer (Retired) to the post of Executive Engineer, Civil, TES Grade-III (Diploma Holder), whereby the Grade Pay of Rs.6600/-, was provided instead of the admissible Grade Pay of Rs.7000/-.

Further, it is also observed that notional fixation of pay on promotion to Executive Engineer, Civil, TES Grade-III (Diploma Holder) was not recorded in the Service Book and no financial benefit was provided to him until retirement. This was an inadvertent error occurred during his tenure of posting under Urban Development Department, Government of Tripura.” सत्यमेव जयते

[4] Dr. Mihirlal Roy, learned counsel led by Mr. Purusuttam Roy Barman, learned senior counsel submits that despite the petitioner having been promoted to the post of Executive Engineer w.e.f. 09.09.2003, no financial benefit was provided to him, notwithstanding the fact that the department had utilised his services as Executive Engineer. Learned counsel also submits that it is a case of continuous cause of action and, therefore, the writ petition may be allowed in terms of the reliefs as sought for.

[5] Mr. Mangal Debbarma, learned Addl. G.A submits that the necessary order may be passed taking into consideration about the averments made in the counter-affidavit.

[6] Mr. Debalay Bhattacharya, learned senior counsel appearing for the respondents-AG submits that they are a formal party in this case and that after any PPO is issued by the parent department, any modification thereof, if necessary, will be done by respondent Nos.6 & 7 accordingly.

[7] The Court has taken into consideration the submissions of both sides. It is undisputed that the petitioner was promoted to the post of Executive Engineer vide order dated 07.12.2018 giving effect to the said promotion from 09.09.2003. Nothing is there in the said promotional order that the fixation would be made notionally for any such period. The promotional order is therefore required to be acted upon by giving actual financial benefit from the date of promotion itself, i.e., 09.09.2003. It is the specific case of the administrative department that as the petitioner was working on deputation in Urban Development Department, such fixation could not be done and inadvertently it was missed out.

[8] Therefore, considering the above facts and circumstances of the case, and the pleadings of the parties and the documents relied upon by both sides, the writ petition is disposed of with a direction to the respondents to make the necessary fixation of the pay of the petitioner in respect of the post of Executive Engineer w.e.f. 09.09.2003 and to extend all the service benefits, including post-retiral benefits, within eight weeks from the date of receipt of copy of this judgment. Necessary PPO, if required, will be modified by respondent Nos.6 & 7 after any such communication is received from the administrative department. The arrears shall be paid within the aforesaid period of eight weeks, as directed above, along with interest @ 7% per annum thereupon from the date when it became due.

[9] With the above observations and directions, the writ petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

JUDGE