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No. 8059

Date 31.10.19

AIGP/Establishment

Government of Tripura
Office of the Director General of Police
Tripura:: Agartala

No 3090 /R-445/DGP/LC/2018

Dated 30 Oct, 2019.

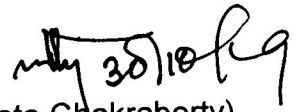
To
The Asstt. Insp. Genl. of Police (Estt),
PHQ, Tripura, Agartala.

Subject :- Regarding common Judgment & Order dated 09-09-2019 passed by the Hon'ble High Court of Tripura in WA – 86 of 2018 (The State of Tripura & Ors. –Vs- Sri Saroj Bhattcharjee) and others.

Please find enclosed copy of common Judgment & Order dated 09-09-2019 passed by the Hon'ble High Court of Tripura in WA – 86 of 2018 (The State of Tripura & Ors. –Vs- Sri Saroj Bhattcharjee) and others alongwith letter No. F.13(61)-PD/16(Loose) dated 23-10-2019 of the Deputy Secretary, Home Department, Govt. of Tripura, contents of which is self explanatory.

2. It is requested to take necessary action on the matter in compliance with the letter of the Home Department dated 23-10-2019.

Encl :- As stated.


(Subrata Chakraborty)
Asstt. Insp. Genl. of Police(Crime)
For Director General of Police.
Tripura.

OS(Genl)
1/e Circulare Sec.

S. Das
31/10/19

**HIGH COURT OF TRIPURA
AGARTALA**

1. **WA NO.86 OF 2018**

The State of Tripura & Ors.

----Appellant(s)

Versus

Saroj Bhattacharjee

----Respondent(s)

2. **WA NO.90 OF 2018**

The State of Tripura

----Appellant(s)

Versus

Tushar Kanti Bhattacharjee

----Respondent(s)

WITH

3. **WP(C) NO.829 OF 2018**

Ajoy Debbarma

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

4. **WP(C) NO.865 OF 2018**

Ashok Debbarma

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

5. **WP(C) NO.866 OF 2018**

Debasish Saha

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

6. **WP(C) NO.867 OF 2018**
Subrata Debbarma -----Petitioner(s)
Versus
The State of Tripura & 2 Ors. -----Respondent(s)

7. **WP(C) NO.868 OF 2018**
Prava Ranjan Debbarma -----Petitioner(s)
Versus
The State of Tripura & 2 Ors. -----Respondent(s)

8. **WP(C) NO.869 OF 2018**
Santi Debbarma -----Petitioner(s)
Versus
The State of Tripura & 2 Ors. -----Respondent(s)

9. **WP(C) NO.870 OF 2018**
Sashi Mohan Debbarma -----Petitioner(s)
Versus
The State of Tripura & 2 Ors. -----Respondent(s)

10. **WP(C) NO.871 OF 2018**
Hemanta Debbarma -----Petitioner(s)
Versus
The State of Tripura & 2 Ors. -----Respondent(s)

11. **WP(C) NO.872 OF 2018**

Siddhartha Sankar Kar

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

12. **WP(C) NO.873 OF 2018**

Kamal Krishna Kalai

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

13. **WP(C) NO.874 OF 2018**

Sunil Kr. Das

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

14. **WP(C) NO.875 OF 2018**

Balaram Sen

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

15. **WP(C) NO.876 OF 2018**

Bijoy Debbarma & 2 Ors.

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

16. **WP(C) NO.877 OF 2018**

Paloram Das & Anr.

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

17. **WP(C) NO.878 OF 2018**

Utpal Majumder & 2 Ors.

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

18. **WP(C) NO.887 OF 2018**

Paresh Biswas

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

19. **WP(C) NO.888 OF 2018**

Keshab Hari Jamatia

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

20. **WP(C) NO.889 OF 2018**

Nakuleswar Debnath

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

21. **WP(C) NO.890 OF 2018**

Shyamal Murasingh

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

22. **WP(C) NO.891 OF 2018**

Manik Lal Deb

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

23. **WP(C) NO.892 OF 2018**

Swastik Bhattacharya

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

24. **WP(C) NO.940 OF 2018**

Intu Marak

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

25. **WA NO.30 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Pradip Choudhury

----Respondent(s)

26. **WA NO.31 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Jiban Ch. Saha

----Respondent(s)

27. **WA NO.32 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Binoy Saha

----Respondent(s)

28. **WA NO.33 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Sanjit Sen

----Respondent(s)

29. **WA NO.34 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Rajib Saha

----Respondent(s)

30. **WA NO.35 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Rajib Debnath

----Respondent(s)

31. **WA NO.36 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Subrata Debnath

----Respondent(s)

32. **WA NO.37 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Ruhul Alam

----Respondent(s)

33. **WA NO.38 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Jayanta Kr. Roy

----Respondent(s)

34. **WA NO.39 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Satya Bikash Biswas

----Respondent(s)

35. **WA NO.40 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Manash Paul

----Respondent(s)

36. **WA NO.41 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Biswajit Ghosh

----Respondent(s)

37. **WA NO.42 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Badal Datta

----Respondent(s)

38. **WA NO.43 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Subhrangshu Bhattacharjee

----Respondent(s)

39. **WA NO.44 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Shyam Babu Sinha

----Respondent(s)

40. **WA NO.45 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Narugopal Deb

----Respondent(s)

41. **WA NO.46 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Jahangir Hossain

----Respondent(s)

42. **WA NO.50 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Ranjit Debbarma

----Respondent(s)

43. **WA NO.55 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Dilip Kr. Das & Ors.

----Respondent(s)

44. **WA NO.58 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Narayan Ch. Saha

----Respondent(s)

45. **WA NO.59 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Anamika Deb Roy

----Respondent(s)

46. **WA NO.60 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Nirmal Ch. Das -----Respondent(s)
47. **WA NO.61 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Sadhan Debnath -----Respondent(s)
48. **WA NO.62 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Bishnupada Kar -----Respondent(s)
49. **WA NO.63 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Arun Ch. Majumder -----Respondent(s)
50. **WA NO.64 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Gamanjoy Reang -----Respondent(s)

51.

WA NO.65 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Ranada Kr. Das

----Respondent(s)

52.

WA NO.66 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

T.K. Sidharthan

----Respondent(s)

53.

WP(C) NO.67 OF 2019

Manish Ch. Biswas

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

54.

WA NO.67 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Dhirendra Debnath

----Respondent(s)

55.

WA NO.68 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Shefal Roy Choudhury

----Respondent(s)

56. **WA NO.69 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Manik Lal Dey

----Respondent(s)

57. **WA NO.70 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Anil Debbarma

----Respondent(s)

58. **WA NO.71 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Manindra Ch. Das

----Respondent(s)

59. **WA NO.72 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Binode Rajan Datta

----Respondent(s)

60. **WA NO.73 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Jiban Chakraborty

----Respondent(s)

61. **WA NO.74 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Sukumar Saha

----Respondent(s)

62. **WA NO.75 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Mira Das

----Respondent(s)

63. **WA NO.76 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Prabir Das Choudhury

----Respondent(s)

64. **WA NO.77 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Bhabatosh Talukdar

----Respondent(s)

65. **WA NO.78 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Narayan Chakraborty

----Respondent(s)

66. **WA NO.79 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Satish Kairi

----Respondent(s)

67. **WA NO.80 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Sohan Singh Gour

----Respondent(s)

68. **WA NO.81 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Milan Das Chowdhury(Roy)

----Respondent(s)

69. **WA NO.82 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Phanindra Kr. Jamatia

----Respondent(s)

70. **WA NO.83 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Monoranjan Das

----Respondent(s)

71. **WA NO.84 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Chandan Majumder

----Respondent(s)

72. **WA NO.85 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Somesh Biswas

----Respondent(s)

73. **WA NO.86 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Radha Ballav Ghosh

----Respondent(s)

74. **WA NO.87 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Anil Ch. Debnath

----Respondent(s)

75. **WA NO.88 OF 2019**

The State of Tripura & Ors.

----Appellant(s)

Versus

Paramita Das

----Respondent(s)

76. **WA NO.89 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Subhas Ch. Debbarma -----Respondent(s)

77. **WA NO.90 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Ajit Debnath -----Respondent(s)

78. **WA NO.91 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Shyama Charan Debbarma -----Respondent(s)

79. **WA NO.92 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Iti Rani Roy(Biswas) -----Respondent(s)

80. **WA NO.93 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Shankar Das -----Respondent(s)

81. **WA NO.94 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Haradhan Karmakar -----Respondent(s)
82. **WA NO.95 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Khelaram Kundu -----Respondent(s)
83. **WA NO.96 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Nityananda Das -----Respondent(s)
84. **WA NO.97 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Nikunja Das -----Respondent(s)
85. **WA NO.98 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Rama Rani Bhowmik -----Respondent(s)

86.

WA NO.99 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Basana Debbarma(Majumder)

----Respondent(s)

87.

WA NO.100 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Gopal Sukla Das

----Respondent(s)

88.

WA NO.101 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Kumaresh Sharma

----Respondent(s)

89.

WA NO.102 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Kajal Rani Deb

----Respondent(s)

90.

WA NO.103 OF 2019

The State of Tripura & Ors.

----Appellant(s)

Versus

Amiya Baran Biswas

----Respondent(s)

91. **WA NO.104 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Alpana Saha -----Respondent(s)
92. **WA NO.105 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Shefali Das -----Respondent(s)
93. **WA NO.106 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Pratap Kr. Debnath -----Respondent(s)
94. **WA NO.107 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Nila Kr. Jamatia -----Respondent(s)
95. **WA NO.108 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Sankar Bhowmik -----Respondent(s)

96. **WA NO.109 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Kshitish Deb -----Respondent(s)
97. **WA NO.112 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Tapan Bardhan -----Respondent(s)
98. **WA NO.114 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Ranjit Kr. Bardhan -----Respondent(s)
99. **WA NO.115 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Arunoday Das -----Respondent(s)
100. **WA NO.116 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Timir Baran Chakraborty -----Respondent(s)

101. **WA NO.117 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Nirmal Debbarma -----Respondent(s)
102. **WA NO.118 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Bikash Debbarma -----Respondent(s)
103. **WA NO.119 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Badal Kr. Chakraborty -----Respondent(s)
104. **WA NO.120 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Chandan Chakraborty -----Respondent(s)
105. **WA NO.121 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Gopal Ch. Brahma -----Respondent(s)

106. **WA NO.122 OF 2019**
The State of Tripura & Ors. -----Appellant(s)
Versus
Sujit Gupta -----Respondent(s)

107. **WP(C) NO.187 OF 2019**
Subodh Jamatia -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

108. **WP(C) NO.114 OF 2018**
Dibyendu Roy -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

CONNECTED WITH

109. **WP(C) NO.115 OF 2018**
Nirmal Chakma -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

110. **WP(C) NO.116 OF 2018**
Surasen Tripura -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

111. **WP(C) NO.117 OF 2018**
Jayanta Karmakar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

112. **WP(C) NO.118 OF 2018**
Mrinal Kanti Das -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

113. **WP(C) NO.119 OF 2018**
Anup Kr. Das -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

114. **WP(C) NO.121 OF 2018**
Sukanta Biswas -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

115. **WP(C) NO.122 OF 2018**
Sougat Chakma -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

116. **WP(C) NO.125 OF 2018**
Shyamal Debbarma
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

117. **WP(C) NO.126 OF 2018**
Ranjit Kalai
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

118. **WP(C) NO.127 OF 2018**
Firuz Miah
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

119. **WP(C) NO.128 OF 2018**
Ashis Das
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

120. **WP(C) NO.129 OF 2018**
Bikash Mani Murasingh
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

121.

WP(C) NO.130 OF 2018

Sanjit Debbarma

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

122.

WP(C) NO.131 OF 2018

Ashes Debbarma

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

123.

WP(C) NO.132 OF 2018

Anupam Das

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

124.

WP(C) NO.133 OF 2018

Soumen Sarkar

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

125.

WP(C) NO.134 OF 2018

Aroop Goswami

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

126. **WP(C) NO.136 OF 2018**
Goutam Paul -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

127. **WP(C) NO.137 OF 2018**
Ranjit Debnath -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

128. **WP(C) NO.138 OF 2018**
Bharat Debbarma -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

129. **WP(C) NO.139 OF 2018**
Ashish Sarkar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

130. **WP(C) NO.140 OF 2018**
Ashim Sarkar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

131. **WP(C) NO.141 OF 2018**
Uttam Kumar Kalai -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

132. **WP(C) NO.142 OF 2018**
Himadri Sarkar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

133. **WP(C) NO.143 OF 2018**
Kirat Mohan Murasingh -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

134. **WP(C) NO.144 OF 2018**
Satyajit Das -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

135. **WP(C) NO.145 OF 2018**
Badal Chandra Saha -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

136. **WP(C) NO.146 OF 2018**
Sanjib Laskar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

137. **WP(C) NO.147 OF 2018**
Jayanta Kumar Dey -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

138. **WP(C) NO.148 OF 2018**
Biswajit Debbarma -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

139. **WP(C) NO.149 OF 2018**
Ranabir Bhattacharjee -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

140. **WP(C) NO.150 OF 2018**
Mahabbat Ali -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

141. **WP(C) NO.151 OF 2018**
Prabhat Chandra Sil
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

142. **WP(C) NO.152 OF 2018**
Raj Prasad Jamatia
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

143. **WP(C) NO.153 OF 2018**
Apurba Das
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

144. **WP(C) NO.154 OF 2018**
Shyma Prasad Das
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

145. **WP(C) NO.155 OF 2018**
Pankaj Debnath
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

146. **WP(C) NO.156 OF 2018**
Samir Debbarma
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

147. **WP(C) NO.157 OF 2018**
Sukanta Sen Chowdhury
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

148. **WP(C) NO.158 OF 2018**
Palash Datta
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

149. **WP(C) NO.159 OF 2018**
Kiran Sankar Chowdhury
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

150. **WP(C) NO.177 OF 2018**
Sibu Ranjan De
-----Petitioner(s)
Versus
The State of Tripura & Ors.
-----Respondent(s)

151. **WP(C) NO.178 OF 2018**
Swapan Sarkar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

152. **WP(C) NO.263 OF 2018**
Krishnadhan Sarkar -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

153. **WP(C) NO.264 OF 2018**
Jubaraj Chakma -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

154. **WP(C) NO.270 OF 2018**
Nhani Mog(Debbarma) -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

155. **WP(C) NO.292 OF 2018**
Sekhar Lal Bhattacharjee -----Petitioner(s)
Versus
The State of Tripura & Ors. -----Respondent(s)

156.

WP(C) NO.685 OF 2018

Sadhan Baidya

----Petitioner(s)

Versus

The State of Tripura & Ors.

----Respondent(s)

157.

WP(C) NO.897 OF 2018

Amal Chakraborty & 5 Ors.

----Petitioner(s)

Versus

The State of Tripura & 2 Ors.

----Respondent(s)

158.

WP(C) NO.2 OF 2019

Desbandhu Majumder & 8 Ors.

----Petitioner(s)

Versus

The State of Tripura & 3 Ors.

----Respondent(s)

159.

WA NO.145 OF 2019

State of Tripura & Ors.

----Appellant(s)

Versus

Ajit Kumar Sinha

----Respondent(s)

160.

WA NO.146 OF 2019

State of Tripura

----Appellant(s)

Versus

Ajay Mallik & Ors.

----Respondent(s)

161.

WA NO.147 OF 2019

State of Tripura

----Appellant(s)

Versus

Ajit Kumar Biswas & Ors.

----Respondent(s)

162.

WA NO.148 OF 2019

State of Tripura & Ors.

----Appellant(s)

Versus

Swapan Kumar Bhattacharya & Ors.

----Respondent(s)

163.

WA NO.149 OF 2019

State of Tripura & Ors.

----Appellant(s)

Versus

Bir Chandra Jamatia & Ors.

----Respondent(s)

For State appellant(s)	:	Mr. A.K. Bhowmik, Advocate General Mr. Mangal Debbarma, Addl. G.A. Mr. D. Sarma, Addl. G.A.
For respondent-writ petitioner(s)	:	Mr. Somik Deb, Advocate Mrs. Sujata Deb(Gupta), Advocate Mr. Anujit Dey, Advocate Mr. Koomar Chakraborty, Advocate
Date of hearing	:	16.07.2019
Date of delivery of Judgment & Order	:	09.09.2019
Whether fit for reporting	:	YES

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KAROL
HON'BLE MR. JUSTICE ARINDAM LODH**

J U D G M E N T & O R D E R

(Arindam Lodh, J)

All the above mentioned writ appeals and writ petitions relate to grant of benefit of pay scales and also the benefit of Career Advancement Scheme (for short, CAS). A group of Sub-Inspectors had initially instituted a declaratory suit before the Civil Court which ultimately came up for decision before the Gauhati High Court, Agartala Bench by way of filing second appeals. Thus, the second appeals were disposed of by a common judgment dated 10.01.2006 delivered in RSA 44/2003, RSA 45/2003, RSA 46/2003 and RSA 47/2003.

2. For purpose of reference, the relevant part of the said judgment is extracted hereunder:

"29. The real issue was as to the effective date of entitlement to the pay scale of Rs.1700-3980/- on the basis of the provisions of RP Rules, 1988 and the aforesaid three memorandums. The first gradation scale of Rs.1450-3710/- was provided by the RP Rules of 1988 on completion on 1.1.86 or on the date of coming over to the revised scale, 10 years service in the post without any promotion since his first appointment to the post. It was further provided under Note-3 of part-B (Schedule-3) i.e. the Notes of Determination of Revised scales as contained in TSCS(RP)Rules, 1988 that where the employee concerned has completed on 1.1.86 or on the date of coming over to the revised scale 18 years of service in the post without any promotion since his first appointment to the post pay shall be fixed in the scale next above the scale which is next higher than the revised scale."

3. In these second appeals, the reliefs claimed by the plaintiffs were allowed by the Gauhati High Court in the following manner:

"48. Thus, from the above, it will be seen that a revised scale may be admissible in reference to the next promotion post, but not beyond that. The Trial

Court broadly agreeing with the plea of the plaintiffs for their entitlement to the revised pay scale of Rs.7450-13,000/- denied the same to them on the ground that same is the revised scale of the promotion post of Inspector of Police, unmindful of the fact that the plaintiffs were already in the pre-revised scale of Inspector of Police.

49. If the plaintiffs had been put to the pre-revised scale of Rs.1700-3980/-, I see no reason as to why they shall not be entitled to the revised scale of the pre-revised scale i.e. Rs.450-13,000/-. The denial of the benefit on ground of there being bar under Rule 10 of the ROP Rules, 1999, which deals with CAS will be opposed to the actual position which has emerged from the discussions made above. It is in this context, learned counsel for the plaintiffs/appellants argued that the gradation scale was not given to the plaintiffs as career advancement, but was made applicable to the plaintiffs as per RP Rules of 1988 and the three notifications referred to above. Clause iii of Rule 10 of the ROP Rules, 1999 on which the first Appellate court placed reliance is not on the issue. The said clause is only in respect of debarment of further advancement after availing prescribed numbers of scale advancement by way of promotion or gradation, but not on the issue of entitlement to the corresponding revised scale of a pre-revised scale, which in the instant case is Rs.7450-13,000/- as against the pre-revised scale of Rs.1700-3980/-."

4. Thereafter, one Sri Ajit Kumar Sinha, Sub-Inspector of Police under the State of Tripura filed a writ petition before the High Court of Tripura being WP(C)259/2006 wherein the petitioner had prayed for directing the respondents to provide him the benefits of pay scale of Rs.1450-3710/- w.e.f. 02.12.1987, i.e. from the date of his entry to the service as Sub-Inspector of Police under the Police Department of the Government of Tripura and also for grant of pay scale of Rs.7450-13000/- w.e.f. 02.12.1997 as per Tripura State Civil Services (Revised Pay) Rules, 1999 and further to provide him the next graded pay scale of Rs.1000-15100/- on his completion of 17 years of service, i.e. w.e.f. 02.12.2004 under Rule 10 of ROP Rules, 1999. The said writ petition was allowed in the following terms:

"18. The writ petition is accordingly allowed. The petitioner is entitled to the pay scale of Rs.1450-3710/- w.e.f. 02.12.1987 and he was also entitled to the pay scale of Rs.7450-13000/- w.e.f. 02.12.1997 and further graded scale of Rs.10000-15100/- w.e.f. 02.12.2004. The respondents are directed to provide the benefits to the petitioner within 3(three) months from today."

5. This direction was challenged by the State of Tripura before the Supreme Court of India by way of filing SLP(C) 21037 of 2015 which was dismissed vide order dated 07.12.2015 in the following manner:

**"UPON hearing the counsel the Court made the following
O R D E R
Delay condoned.
The special leave petition is dismissed."**

6. After that, a bunch of writ petitions were filed by some Sub-Inspectors of police before this Court [lead case being WP(C)491 of 2016 (Ajay Mallik Vs. State of Tripura & Ors.)]. Those writ petitions were disposed of by a common judgment dated 20.02.2017 in the following manner:

"18. Now this court will consider the submissions in respect of the remaining writ petitions in this batch. In view of the two decisions as referred above, this court is inclined to declare that the initial pay of the Sub-Inspectors of Police [Armed and Un-armed/SI of Police (Border Wing)] or Supervisor shall be borned in the same level fixed in the scale of pay of Rs. 1450-3710 with effect from 01.01.1986 and they are entitled to the said pay scale in terms of the fixation formula as provided in the ROP Rules, 1988 and with effect from 01.01.1986 or from the date of their respective appointments. It is further clarified that on completion of their ten years of service in the post of Sub-Inspector of Police without any promotion they will be entitled to the movement to the scale of pay of Rs.1700-3980/-. Thus, instead of their initial pay being fixed in the scale of pay of Rs.1300-3220, their initial pay shall be fixed in the scale of pay of Rs.1450-3710/-. It is further declared that on completion of ten years of service, in the scale of pay of Rs.1450-3710/- in the post of Sub-Inspector of Police without any promotion, the petitioners shall be moved the scale of pay of Rs.1700-3980/- or its corresponding scale of pay of Rs.7450-13000/- under the ROP Rules, 1999

[see judgment dated 10.01.2006] and the petitioners would be entitled to the scale of Rs.2000-4410/- and its corresponding revised scales by way of movement if the petitioners continued in the post of Sub-Inspector of Police without any promotion on completion of seventeen years of service without any promotion. Even thereafter, if the petitioners are entitled, they will be entitled to get the benefits of Career Advancement Scheme (modified) with effect from 01.01.1999 under Section 10 of the ROP Rules, 1999. The petitioners who were appointed after 01.01.1996 shall wholly be guided by the ROP Rules, 1999.”

7. Being detected some error on facts in the said judgment, one Sub-Inspector of Police namely, Sri Gournaga Debnath had filed a review petition before the High Court of Tripura which was registered as **Review Petition No. 29/2017** titled as **Gouranga Debnath Vs. State of Tripura & Ors.** The said review petition was disposed by order dated 09.11.2017 in the following manner:

“7. Having regard to all these aspects as aforementioned, this court is persuaded to reframe the paragraph as reproduced hereinabove. The said paragraph shall be as follows : “It is further declared that on completion of ten years of service, in the scale of pay of Rs.1450-3710/- in the post of Sub-Inspector of Police without any promotion, the petitioners shall be moved to the scale of pay of Rs.1700-3980/- or its corresponding scale of pay of Rs.7450-13000/- under the ROP Rules, 1999 [see the judgment dated 10.01.2006] and the petitioners would be entitled to further advancement in due course on completion of 7(seven) years of continuous service in the grade of Sub-Inspector and in the scale of pay of Rs.7,450-13,000/- to the scale of pay of Rs.3000-5000/- (pre-revised) and its corresponding revised scale of Rs.10,000-15,100/- as rendered by the judgment dated 28.05.2015 delivered in WP(C) No. 259 of 2006 [Shri Ajit Kumar Sinha versus The State of Tripura & Others].”

8. The Registry shall substitute by deleting the part as reproduced hereinabove on incorporating the reframed part. As a measure of abundant caution, this order is made part of the judgment and order dated 20.02.2017 which is under review. Further, a prayer has been made by the petitioner to make a timeframe for payment of the arrears, if any, to the petitioner. The respondents are therefore directed that they shall make payment of arrear pay and allowances and pass consequential orders within a period of 6(six) months from the date when the petitioner shall place a copy of this order to the respondents.

Accordingly, this review petition is allowed and disposed of.

It is made further clear that this order shall apply in respect of all the writ petitioners whose writ petitions were disposed of by the said common judgment and order dated 20.02.2017. For purpose of reference, a catalogue of the writ petitions those were disposed by the said common judgment dated 20.02.2017 is enclosed with this order as Annexure-A."

8. Thereafter, a bunch of review petitions were filed before this Court. Those review petitions [lead case being **Rev. Pet. 55/2017 titled as Sri Saroj Bhattacharjee Vs. State of Tripura & Ors.**] were disposed of by the judgment and order dated 05.03.2018 in the following manner:

"10. Thus all the review petitions are disposed of in modification of the common judgment and order dated 20.02.2017, having due regard to the judgment and order dated 09.11.2017 delivered in Rev. Pet. No.29/2017 (Sri Gouranga Debnath Vs. The State of Tripura & Ors.). It is thus declared that on completion of 10(ten) years of service, in the scale of pay of Rs.1450-3710 in the post of Sub-Inspector of Police without any promotion, the review petitioners shall be moved to the scale of pay of Rs.1700-3980 or its corresponding scale of pay of Rs.7450-13000 under the ROP Rules, 1999 [see the judgment dated 10.01.2006] and the petitioners would be entitled to further advancement in due course on completion of 7(seven) years of continuous service without promotion in the grade of Sub-Inspector and in the scale of pay of Rs. 7450-13000 to the scale of pay of Rs. 3000-5000 (pre-revised) and its corresponding revised scale of Rs. 10,000-15,100 as rendered by the judgment dated 28.05.2015 delivered in WP(C) No. 259 of 2006 [Shri Ajit Kumar Sinha versus The State of Tripura & Others].

11. In terms of the above modification, the judgment and order dated 03.12.2015 delivered in WP(C) No.144/2005 and other writ petitions and the judgment and order dated 20.02.2017 delivered in WP(C) No.491/2016 and other writ petitions, stand reviewed and modified. It is further directed that the respondents shall make the payment of arrear pay and allowances and pass the consequential orders within a period of 6(six) months from the day when the review petitioners shall place a copy of this order to the respondents. The writ petitions [the review petitioners] whose writ petitions were dismissed by the judgment and order dated 20.02.2017 for their being appointed after 01.01.1996, are disposed of in terms of the above observation."

9. While disposing of a batch of seven writ petitions [WP(C)144/2005, WP(C)189/2006, WP(C)230/2005, WP(C)215/2006, WP(C)356/2005, WP(C)443/2005 and WP(C)177/2006] a learned Single Judge of this Hon'ble Court (Justice SC Das, as he then was) vide judgment and order dated 03.12.2015 had held thus:

"28. The writ petitions are accordingly allowed to the extent that the petitioners who joined the post of S.I. of Police/Supervisor as the case may be on or before 01.01.1986 shall be entitled to the pay-scale of Rs.1450-3710/- w.e.f. 01.01.1986 and those who joined the said post after 01.01.1986 shall be entitled to the said pay-scale from the date of joining the post. The petitioners who completed 10 years of satisfactory service without any promotion shall be entitled to the pay-scale of Rs.7450-13,000/- from the date of completion of 10 years or service in the same post i.e. S.I. of Police/Supervisor as the case may be. The petitioners who completed 17 years of satisfactory service without any promotion shall further be entitled to the graded scale of Rs.7800-15,100/- w.e.f. the date of completion of 17 years of continuous service without promotion in the same post as per Rule 10 of R.O.P. Rules, 1999. Since all the petitioners already retired in the meantime, the benefits shall be given notionally and there shall be no arrears whatsoever."

10. The said judgment and order dated 03.12.2015 delivered by the learned Single Judge (Justice SC Das, as he then was) of this Hon'ble Court was sought to be reviewed and the review petitions were registered as **Rev. Pet. 08/2016 and Rev. Pet. 09/2016 titled as Inspector Sanjoy Biswas and others Vs. State of Tripura and others**, wherein by order dated 06.05.2016, the Court categorically held as under:

"In view of the submission made by learned counsel of the petitioners the context of para 4 of the judgment and para 28 of the judgment is reviewed to the extent that some of the petitioners already retired from service and some are still in service and all that petitioners shall be entitled to the benefits notionally and there shall be no arrears whatsoever. This order shall form a part of that judgment. Review petitions accordingly stand disposed of."

11. Challenging the reliefs granted in those writ petitions, several writ appeals were preferred by the State of Tripura before this Court and those writ appeals were registered as WA 77/2016, WA 76/2016, WA 74/2016, WA 73/2016, WA 72/2016, WA 71/2016 and WA 70/2016. Those writ appeals were disposed of by a common judgment and order dated 25.07.2018 by a Division Bench of this Court [Hon'ble the Chief Justice Mr. Ajoy Rastogi (as he then was) and Hon'ble Mr. Justice A. Lodh]. Those writ appeals were disposed of in the following manner:-

"22. In the light of the discussion, made above, we find no merit in the writ appeals preferred by the State-appellants, and we are in agreement with the direction of the learned Single Judge that the writ petitioners who joined the post of Sub-Inspector of police/ Supervisor, as the case may be, on or before 01.01.1986 shall be entitled to the pay-scale of Rs. 1450-3710 w.e.f. 01.01.1986 and those who joined the said post after 01.01.1986 shall be entitled to the said pay-scale from the date of their joining to the post. It is further clarified that the writ petitioners who have completed 10 years of service in the absence of promotion shall be entitled to the pay-scale of Rs. 7450-13000 from the date of completion of 10 years of service on the same post i.e. Sub-Inspector of police / Supervisor, as the case may be. In furtherance thereof, the writ petitioners who have completed 17 years of service in the absence of promotion shall be entitled to the graded pay-scale of Rs. 7800-15000 with effect from the date of completion of 17 years of continuous service on the same post as per Rule 10 of the ROP Rules, 1999. It is also necessary to be clarified that the writ petitioners who have already retired in the meantime, the benefit shall be given notionally and there shall be no arrears payable for them.

23. Accordingly, the appeals being devoid of merit stand dismissed. However, there shall be no order as to costs."

12. It is worthy to mention that by way of filing review petitions being Rev. Pet. No. 08/2016 and Rev. Pet. No. 09/2016 the petitioners have tried to persuade the learned Single Judge (S.C.Das, J., as he then was) that the Court had

directed to extend the benefit of pay scale (CAS Benefits) notionally since all the petitioners went on superannuation at the time of delivering the judgment. Perhaps, that gave a perspective to the Sub-Inspectors/petitioners who are/were in service, whether their pay scales would be fixed notionally or not?

13. It stood clarified by the learned Single Judge vide order dated 06.05.2016, that the judgment dated 03.12.2015, passed in the relevant writ petitions would be applicable to the petitioners irrespective of the fact that they were retired or still in service.

14. After that, by a direction of this Court, all the writ petitions, writ appeals and review petitions relating to the subject in issue, as stated above, were directed to be placed before the Division Bench. While dealing with **Review Petition No. 57/2018** titled as **Sri Sankal Lal Chakraborty and Anr. Vs. State of Tripura and Ors.,** this Court vide order dated 08.01.2019 had held thus:

9. We have noticed that at the time of disposal of Review Petition No.29 of 2017 titled as Sri Gouranga Debnath Vs. The State of Tripura and others, when the order extending the benefit of payment of arrears was directed vide order dated 09.11.2017 by a co-ordinate Single Bench (S. Talapatra, J) of this Court, the order dated 06.05.2016 passed by the another learned Single Judge (S.C. Das, J, as he then was) was not brought to the notice of the Court of the subsequent co-ordinate Bench (S. Talapatra, J). Again the same learned Single Judge (S. Talapatra, J.) passed another order extending similar benefits to many of the Review petitioners vide order dated 05.03.2018 without bringing the order dated 06.05.2016 to his notice. Even, the learned Single Judge was not informed about the pendency of Writ Appeals preferred by the State as well as by some of the Writ petitioners before the Division Bench of this Court bearing W.A. No.77 of 2016 and W.A. No.31 of 2016. We highly deprecate the role of the learned counsel for the parties for not

bringing the aforesaid facts to the notice of the learned Judge(s).

10. A batch of writ petitions were again disposed of by another learned Single Judge (Ajay Rastogi, CJ as he then was) vide order dated 04.05.2018 at the strength of the orders passed on 09.11.2017 and 05.03.2018. So, the order dated 09.11.2017, 05.03.2018 and 04.05.2018 were passed without taking into the notice of the order dated 06.05.2016 passed by a learned Single Judge of this Court while disposing of the writ petitions out of the same judgment wherein it was clearly held that the pay scale i.e. cash benefits would be fixed notionally and none of the petitioners would be entitled to claim arrears."

15. The present batch of writ petitions were filed by some left out Sub-Inspectors of Police claiming the pay scale as that of other Sub-Inspectors who already were granted benefit by the order of the Court, as stated supra. On the other hand, the State also has preferred appeal challenging the legality and validity of the order granting pay scales with consequential CAS benefits, as stated supra, and the orders granting payment of arrears to the Sub-Inspectors.

16. Heard Mr. Somik Deb and Ms S Deb Gupta, learned counsel appearing on behalf of the petitioners in the connected Writ Petitions and respondent-Sub-Inspectors in the connected Writ Appeals as well as Mr. Mangal Debbarma, learned Addl. GA appearing for the State of Tripura.

17. Having regard to the submissions advanced by the learned counsel for the parties, we have meticulously scrutinized the records and various notifications, relevant to the subject in dispute, which has already been dealt with, while passing the earlier judgments and orders, by this Court. It is evinced that

neither in the second appeals nor in any one of the writ petitions an order for payment of arrears was passed by the Court. Only while entertaining review petition being **Rev. Pet. 29/2017** titled as **Gouranga Debnath Vs. State of Tripura & Ors.**, an order extending the benefit of grant of arrears was directed by a Co-ordinate Bench of this Court (S.Talapatra,J.) vide order dated 09.11.2017.

18. We have perused the connected writ petitions of the aforesaid review petitions and it is revealed that while disposing of the writ petitions, the learned Single Judge (S.Talapatra,J) did not grant the benefit of arrears of salary. Only in the review petitions, the benefit of payment of arrears was extended to the petitioners/Sub-Inspectors. We have already observed that while passing such order, extending the benefit of arrears of salary, the order passed by another learned Single Judge (S.C. Das,J. as he then was) was not brought to his notice wherein the learned single Judge (S.C. Das,J. as he then was) had virtually dismissed the grant of payment of arrears by clarifying his order passed in the writ petition that fixation of scale of pay and the notional benefits would be applicable to all the sub-Inspectors/petitioners irrespective of the fact that they were retired or still in service. It was further clarified that all the petitioners shall be entitled to the benefits notionally and there shall be no arrears whatsoever.

19. Further, we have perused the averments made in the writ petitions and the prayers made therein, wherein we find there is no prayer for payment of arrears of pay. For convenience, we may reproduce the prayer portion from one of the writ petitions viz., **WP(C)443/2005 titled as Gopal Singha & Ors. Vs. State of Tripura and Ors.**

"In the premises whereof, it is most humbly submitted that Your Lordships would be graciously pleased to:

- i) Issue a 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 passed quashing/setting aside the impugned memoranda as contained in Annexures-P-4, P-5 & P-6;
- ii) Issue a 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 directing/commending the respondents not to give effect to clause (3) of the order dated 10.09.2004 and thereafter extend the benefits in favour of the humble petitioners;
- iii) Issue a 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 directing/mandating the respondents to fix the pay of the humble petitioners in the pay scale of Rs.7450-13000/- on completion of 10 years of service in the grade of Sub Inspector and thereafter, fix the pay of the humble petitioners in the pay scale of Rs.7800-15100/- on rendering 17 years service in the grade of Sub-Inspector;
- iv) Issue a Rule calling upon the respondents and each one of them to show cause as to why a Writ of Prohibition and/or in the nature thereof shall not be passed restraining/prohibiting them from acting in furtherance of the impugned memoranda as contained in Annexures-P-4, P-5 & P-6;
- v) In the interim and order in terms of iii above;
- vi) Call for the records appertaining to this petition;
- vii) After hearing the parties be pleased to make the Rule absolute n terms of I, ii, iii & iv above;
- viii) Costs of and incidental to this proceeding;
- ix) Any other relief(s) as to this Hon'ble court may deem fit and proper;"

20. Only in the writ petitions which were filed subsequently in the year 2017 and 2018, we find that there is a prayer for granting arrears of salary and allowances admissible to the writ petitioners. When those writ petitions were pending before this Court, the State had already preferred appeal against the judgment passed in a bunch of writ petitions granting pay fixation in terms of ROP Rules, 1988 and corresponding revised pay rules under ROP Rules, 1999, as stated above, where the Court ordered to fix the pay scale only in terms of the said ROP Rules and rejected the payment of arrears.

21. Even we find that in **WP(C) 575/2016** titled as **Sri Saroj Bhattcharjee Vs. State of Tripura & Ors**, this Court allowed the reliefs sought for and there is no prayer for payment of arrears of salary and allowances. In WP(C) 575/2016 the following prayers were made:

"Reliefs sought for:-

In the premises whereof, it is humbly submitted that Your Lordships would be graciously pleased to:

- 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 quashing/setting aside the impugned Memoranda dated 05.08.1999, 24.09.2001, 10.09.2004 & 15.09.2004;**
- 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, for commending/directing the, to fix the pay of the petitioner, in the initial pay scale of Rs.1450-3710, with effect from 01.01.1986, in the pay scale of Rs.7450-13000 on completion of 10 years of service in the grade of**

Sub-Inspector of Police, and thereupon, forthwith clear up the respective outstanding dues, after making such fixations;

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

22. Thereafter, a bunch of review petitions were filed before this Court and at the time of passing orders in the said review petitions, a learned Single Judge of this Court (*Justice S. Talapatra*) has passed an order directing the State respondents to pay arrears of salaries and allowances in terms of the revised pay scales as enumerated above.

23. We have gone through one of the review petitions. The said review petition was numbered as Review Petition 55 of 2017 titled as ***State of Tripura & Ors. vs. Sri Saroj Bhattcharjee*** [arising out of ***WP(C) 575/2016*** titled as ***Sri Saroj Bhattcharjee Vs. State of Tripura & Ors.***]. After perusal of the contentions made in the writ petition we do not find any prayer made by any of the writ petitioners to pay arrears of salary and allowances. We also do not find any such prayer in that bunch of review petitions. Against the order passed in those review petitions, one being numbered as Review Petition No. 55 of 2017, the State has preferred ***Writ Appeal No. 86 of 2018*** titled as ***State of Tripura & Ors. Vs. Saroj***

Bhattacharjee. Several other writ appeals were also filed challenging the decision of the learned Single Judge.

24. Question that arises for consideration is as to whether a court can modify/correct its judgment and order in entertaining a review petition changing its earlier decision?

25. After the judgment was passed in the review petitions, in the manner as stated above, granting arrears of pay, and writ appeals were also filed against the said judgment, some writ petitions were filed by some of the similarly situated persons praying for grant of pay scale in terms of ROP Rules 1988 and ROP Rules 1999 and while disposing of those writ petition, the order of payment of arrears was also passed by the said learned single judge.

26. Mr. M Debbarma, learned Addl. GA has submitted that the learned single judge exceeded his jurisdiction in entertaining the review petitions wherein the learned single judge has expanded the reliefs which were not at all pleaded or prayed for in the writ petitions as well as in the review petitions. As such, the orders which were corrected and modified in the review petitions are necessary to be set aside for ends of justice.

27. Per contra, Mr. Somik Deb, learned counsel and Ms S Deb (Gupta), learned counsel appearing for the writ petitioners/respondents in the writ appeals, have contended

Explanation to Rule 1 of Order 47 which states that the fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the court should exercise the power to review its order with the greatest circumspection."

30. In Aribam Tuleshwar Sharma vs. Aribam Pishak Sharma, this Court considered the scope of the High Courts' power to review an order passed under Article 226 of the Constitution, referred to an earlier decision in Shivdeo Singh vs. State of Punjab [AIR 1963 SC 1909] and observed :

"3.It is true as observed by this Court in Shivdeo Singh v. State of Punjab, AIR 1963 SC 1909, there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all matters or errors committed by the Subordinate Court."

31. In K. Ajit Babu and others vs. Union of India and others [1997 (6) SCC 473], it was held that even though Order 47 Rule 1 is strictly not applicable to the Tribunals, the principles contained therein have to be extended to them, else there would be no limitation on the power of review and there would be no certainty or finality of a decision. A slightly different view was expressed in Gopabandhu Biswal vs. Krishna Chandra Mohanty and others [1998 (4) SCC 447]. In that case it was held that the power of review granted to the Tribunals is similar to the power of a Civil Court under Order 47 Rule 1.

32. In Ajit Kumar Rath vs. State of Orissa and Others [1999 (9) SCC 596], this Court reiterated that power of review vested in the Tribunal is similar to the one conferred upon a Civil Court and held:-

"30. The provisions extracted above indicate that the power of review available to the Tribunal is

the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of the record or for any other sufficient reason. A review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule.

31. Any other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment."

[Emphasis added]

33. In *State of Haryana and Others vs. M.P. Mohla* [2007 (1) SCC 457], this Court held as under:-

"27. A review petition filed by the appellants herein was not maintainable. There was no error apparent on the face of the record. The effect of a judgment may have to be considered afresh in a separate proceeding having regard to the subsequent cause of action which might have arisen but the same by itself may not be a ground for filing an application for review."

34. xxxxxxxxxxxxxx

35. The principles which can be culled out from the above noted judgments are :

(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.

(iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.

(vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier.

29. We also have taken note of the decision of the Apex Court in ***Kamlesh Verma Vs. Mayavati & Ors., (2013) 8 SCC 320***, wherein the Apex Court has held thus: (SCC pp 328, 329, 330, 332, 333 paras 14, 16, 17, 18, 19, 20, 20.1 & 20.2)

14. Review of the earlier order cannot be done unless the court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. This Court, in Col. Avtar Singh Sekhon v. Union of India & Ors. [1980 (Supp) SCC 562], held as under:

"12. A review is not a routine procedure. Here we resolved to hear Shri Kapil at length to remove any feeling that the party has been hurt without being heard. But we cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. In Sow Chandra Kante v. Sheikh Habib this Court observed:

"1. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility.... The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality."

15. xxxxxxxxxx

16. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view. The mere possibility of two views on the subject is not a ground for review. This Court, in *Lily Thomas v. Union of India* [(2000) 6 SCC 224], held as under:

"54. Article 137 empowers this Court to review its judgments subject to the provisions of any law made by Parliament or any rules made under Article 145 of the Constitution. The Supreme Court Rules made in exercise of the powers under Article 145 of the Constitution prescribe that in civil cases, review lies on any of the grounds specified in Order 47 Rule 1 of the Code of Civil Procedure which provides:

"1. Application for review of judgment.-(1) Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the court which passed the decree or made the order."

Under Order XL Rule 1 of the Supreme Court Rules no review lies except on the ground of error apparent on the face of the record in criminal cases. Order XL Rule 5 of the Supreme Court Rules provides that after an application for review has been disposed of no further application shall be entertained in the same matter.

56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger

Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised. However, this Court in exercise of its powers under Article 136 or Article 32 of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment.

58. Otherwise also no ground as envisaged under Order XL of the Supreme Court Rules read with Order 47 of the Code of Civil Procedure has been pleaded in the review petition or canvassed before us using the arguments for the purposes of reviewing the judgment in Sarla Mudgal case. It is not the case of the petitioners that they have discovered any new and important matter which after the exercise of due diligence was not within their knowledge or could not be brought to the notice of the Court at the time of passing of the judgment. All pleas raised before us were in fact addressed for and on behalf of the petitioners before the Bench which, after considering those pleas, passed the judgment in Sarla Mudgal case. We have also not found any mistake or error apparent on the face of the record requiring a review. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. No such error has been pointed out by the learned counsel appearing for the parties seeking review of the judgment. The only arguments advanced were that the judgment interpreting Section 494 amounted to violation of some of the fundamental rights. No other sufficient cause has been shown for reviewing the judgment. The words "any other sufficient reason appearing in Order 47 Rule 1 CPC" must mean "a reason sufficient on grounds at least analogous to those specified in the rule" as was held in Chhajju Ram v. Neki, and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius. Error apparent on the face of the proceedings is an error which is based on clear ignorance or disregard of the provisions of law. In T.C. Basappa v. T. Nagappa, this Court held that such error is an error which is a patent error and not a mere wrong decision. In Hari Vishnu Kamath v. Ahmad Ishaque, it was held:

23.

"[I]t is essential that it should be something more than a mere error; it must be one which must be manifest on the face of the record. The real difficulty with reference to this matter, however, is not so much in the statement of the principle as in its application to the facts of a particular case. When does an error cease to be mere error, and become an error apparent on the face of the record? Learned counsel on either side were unable to suggest any clear-cut rule by

which the boundary between the two classes of errors could be demarcated.

Mr. Pathak for the first respondent contended on the strength of certain observations of Chagla, C.J. in - 'Batuk K. Vyas v. Surat Borough Municipality, that no error could be said to be apparent on the face of the record if it was not self-evident and if it required an examination or argument to establish it. This test might afford a satisfactory basis for decision in the majority of cases. But there must be cases in which even this test might break down, because judicial opinions also differ, and an error that might be considered by one Judge as self-evident might not be so considered by another. The fact is that what is an error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of indefiniteness inherent in its very nature, and it must be left to be determined judicially on the facts of each case."

Therefore, it can safely be held that the petitioners have not made out any case within the meaning of Article 137 read with Order XL of the Supreme Court Rules and Order 47 Rule 1 CPC for reviewing the judgment in Sarla Mudgal case. The petition is misconceived and bereft of any substance."

17. In a review petition, it is not open to the Court to re-appreciate the evidence and reach a different conclusion, even if that is possible. Conclusion arrived at on appreciation of evidence cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. This Court, in Kerala State Electricity Board v. Hitech Electrothermics & Hydropower Ltd. & Ors., held as under:

"10.....In a review petition it is not open to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible. Learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. We are afraid such a submission cannot be permitted to be advanced in a review petition. The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. It has not been contended before us that there is any error apparent on the face of the record. To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise."

18. Review is not re-hearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to

correct all errors committed by a subordinate court. A repetition of old and overruled argument is not enough to re-open concluded adjudications. This Court, in *Jain Studios Ltd. v. Shin Satellite Public Co. Ltd.*, held as under:

"11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.

12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. Such petition, in my opinion, is in the nature of "second innings" which is impermissible and unwarranted and cannot be granted."

19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII Rule 1 of CPC. In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgment in the guise that an alternative view is possible under the review jurisdiction.

Summary of the Principles:

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:-

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words "any other sufficient reason" has been interpreted in *Chhajju Ram v. Neki*, and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius & Ors.*, to mean "a reason sufficient on grounds at least

analogous to those specified in the rule". The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd. & Ors.*,

20.2. When the review will not be maintainable:-

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.

30. A three-Judge Bench of the Apex Court in *Devender Pal Singh & Ors. Vs. State, NCT of Delhi & Ors.*, MANU, SC/1156/2002 while discussing the scope of review has observed thus (Paras 17 & 19):

"17. As was observed by this Court in *Col. Avtar Singh Sekhon V. Union of India and Ors.* MANU/SC/0416/1980 : (1981) IILLJ405SC, review is not a routine procedure. A review of earlier order is not permissible unless the Court is satisfied that material error, manifest on the fact of the order undermines its soundness or results in miscarriage of justice. A review of judgment in a case is serious step and reluctant resort to its proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility The stage of review is not

a virgin ground but review of an earlier order which has the normal feature of finality.

18. xxxxxxxx

19. A judgment of the final Court of the country is final, and a review of such judgment is an exception."

31. Further, the Apex Court in ***Haridas Das Vs. Usha Rani Banik (Smt.) & Ors.***, reported in **(2006) 4 SCC 78** has held as under:

13. In order to appreciate the scope of a review, Section 114 of the CPC has to be read, but this section does not even adumbrate the ambit of interference expected of the Court since it merely states that it "may make such order thereon as it thinks fit." The parameters are prescribed in Order 47 of the CPC and for the purposes of this lis, permit the defendant to press for a rehearing "on account of some mistake or error apparent on the face of the records or for any other sufficient reason". The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the Court and thereby enjoyed a favourable verdict. This is amply evident from the explanation in Rule 1 of the Order 47 which states that the fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the Court should exercise the power to review its order with the greatest circumspection. This Court in *M/s. Thungabhadra Industries Ltd. v. The Government of Andhra Pradesh*, held as follows:

"There is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterized as vitiated by "error apparent". A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. Where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out."

32. If the principles as emanated from the aforesaid authorities are applied in the background facts of the case in hand, the position is clear that the learned Single Judge had clearly fallen in error in entertaining the review petition filed by the writ petitioners. Firstly, the learned Single Judge in disposing of a bunch of writ petitions himself had observed that no pleadings or reliefs for granting pay scales were found in the writ petitions nor were those argued at the time of hearing of the writ petition and formed a definite opinion that they were not entitled to get the un-revised pay scale of Rs.1450-3710 for the simple reason that they were not appointed prior to 01.01.1996. The learned Single Judge has specifically held at paras 17 & 18 of the judgment as under:

"17. Having regard to the contentions as advanced by the learned counsel for the parties, at the outset, this court would observe that the contention of Mr. J. Majumder, learned counsel appearing for the respondents in respect of the writ petitioners who were appointed in the post of Sub-Inspector of Police after 01.01.1996 is highly persuasive and thus, it is accepted by this court, inasmuch as the basic controversy as addressed by the two decisions as relied on by the petitioners do not even remotely relate to the claim of those writ petitioners, who were appointed before 01.01.1996. Further, having not urged any relief in the writ petition and even not throwing any challenge against any provisions of the ROP Rules, 1999, those writ petitioners have failed to make out any case for interference. In view of this, the writ petitions being WP(C) No. 527 of 2016, are dismissed as they were not entitled to get the un-revised pay scale of Rs.1450-3710 for the simple reason that they were not appointed prior to 01.01.1996. It is also noticed that in some of the writ petitions even the date of appointment as the SI of Police have not been definitely mentioned. As a measure of abundant caution it is declared that if it is found that any of the writ petitioners has been appointed after 01.01.1996, their writ petition shall also be similarly treated and be dismissed.

18. Now this court will consider the submissions in respect of the remaining writ petitions in this batch. In view of the two decisions as referred

above, this court is inclined to declare that the initial pay of the Sub-Inspectors of Police [Armed and Un-armed/SI of Police (Border Wing)] or Supervisor shall be borned in the same level fixed in the scale of pay of Rs. 1450-3710 with effect from 01.01.1986 and they are entitled to the said pay scale in terms of the fixation formula as provided in the ROP Rules, 1988 and with effect from 01.01.1986 or from the date of their respective appointments. It is further clarified that on completion of their ten years of service in the post of Sub-Inspector of Police without any promotion they will be entitled to the movement to the scale of pay of Rs.1700-3980/-. Thus, instead of their initial pay being fixed in the scale of pay of Rs.1300-3220, their initial pay shall be fixed in the scale of pay of Rs.1450- 3710/-. It is further declared that on completion of ten years of service, in the scale of pay of Rs.1450-3710/- in the post of Sub-Inspector of Police without any promotion, the petitioners shall be moved the scale of pay of Rs.1700-3980/- or its corresponding scale of pay of Rs.7450-13000/- under the ROP Rules, 1999 [see judgment dated 10.01.2006] and the petitioners would be entitled to the scale of Rs.2000-4410/- and its corresponding revised scales by way of movement if the petitioners continued in the post of Sub-Inspector of Police without any promotion on completion of seventeen years of service without any promotion. Even thereafter, if the petitioners are entitled, they will be entitled to get the benefits of Carrer Advancement Scheme (modified) with effect from 01.01.1999 under Section 10 of the ROP Rules, 1999. The petitioners who were appointed after 01.01.1996 shall wholly be guided by the ROP Rules, 1999. As there is no challenge against any provision of the ROP Rules their writ petitions being bereft of merit are dismissed. However, this observation shall not create any embargo in their approaching the court, if they are aggrieved by any provisions of the said ROP Rules, 1999 and they are permitted to do so. Hence, the writ petition being WP(C) No. 491 of 2016, WP(C) No. 525 of 2016, WP(C) No. 530 of 2016, WP(C) No. 531 of 2016, WP(C) No. 532 of 2016, WP(C) No. 533 of 2016, WP(C) No. 534 of 2016, WP(C) No. 535 of 2016, WP(C) No. 558 of 2016, WP(C) No. 559 of 2016, WP(C) No. 568 of 2016, WP(C) No. 569 of 2016, WP(C) No. 570 of 2016, WP(C) No. 571 of 2016, WP(C) No. 578 of 2016, WP(C) No. 621 of 2016, WP(C) No. 622 of 2016, WP(C) No. 623 of 2016, WP(C) No. 624 of 2016, WP(C) No. 625 of 2016, WP(C) No. 626 of 2016, WP(C) No. 627 of 2016, WP(C) No. 628 of 2016, WP(C) No. 730 of 2016, WP(C) No. 766 of 2016, WP(C) No. 767 of 2016, WP(C) No. 768 of 2016, WP(C) No. 769 of 2016, WP(C) No. 770 of 2016, WP(C) No. 771 of 2016, WP(C) No. 772 of 2016, WP(C) No. 773 of 2016, WP(C) No. 774 of 2016, WP(C) No. 775 of 2016, WP(C) No. 804 of 2016, WP(C) No. 807 of 2016, WP(C) No. 813 of 2016, WP(C) No. 821 of 2016, WP(C) No. 822 of 2016, WP(C) No. 825 of 2016, WP(C) No. 826 of 2016, WP(C) No. 827 of 2016, WP(C) No. 828 of 2016, WP(C) No. 829 of 2016, WP(C) No. 837 of 2016, WP(C) No. 838 of 2016,

WP(C) No. 839 of 2016, WP(C) No. 840 of 2016, WP(C) No. 841 of 2016, WP(C) No. 842 of 2016, WP(C) No. 843 of 2016, WP(C) No. 844 of 2016, WP(C) No. 845 of 2016, WP(C) No. 846 of 2016, WP(C) No. 885 of 2016, WP(C) No. 886 of 2016, WP(C) No. 887 of 2016, WP(C) No. 888 of 2016, WP(C) No. 889 of 2016, WP(C) No. 890 of 2016, WP(C) No. 891 of 2016, WP(C) No. 892 of 2016, WP(C) No. 893 of 2016, WP(C) No. 894 of 2016, WP(C) No. 895 of 2016, WP(C) No. 904 of 2016, WP(C) No. 29 of 2017, WP(C) No. 30 of 2017, WP(C) No. 47 of 2017, & WP(C) No. 729 of 2016 stands allowed in terms of the above.

There shall be no order as to costs."

33. But at the time of hearing of review petitions, on the basis of a judgment produced before him in connection with another case, the learned Single Judge had changed his former opinion and modified the judgment in respect of the facts or claims which were neither pleaded in those bunch of writ petitions nor argued before him in respect of fixation of pay of the writ petitioners, being restructured the reliefs, as crystallized above.

34. Secondly, and most importantly, after perusal of the writ petitions in connection of which review petitions were filed, we find no averments or prayers for granting arrears of salary and allowances, and thus, the said relief was not considered by the learned Single Judge while disposing of the writ petitions. Further, learned Single Judge did not point out, what, according to him, appeared to be an error on the face of the available record which he had missed despite being pleaded or argued on a particular question of fact and law. The change of decision in granting reliefs in review petitions was the result of re-hearing

of the writ petitions on some new facts not pleaded or prayed in the original writ petition.

35. Having held so, the conclusion arrived at by the learned Single Judge that the writ petitioners-Sub-Inspectors who were appointed after 01.01.1996 would only be guided by ROP Rules, 1999 might be an erroneous finding or order, but, in our considered view, it does not give the court to exercise the power of review. It is settled proposition of law that even an erroneous decision or order cannot be corrected in the guise of exercise of power of review. In furtherance thereof, mere discovery of new or important facts or evidence is not enough for influencing the Court to review its judgment. The party seeking review must satisfy the court that such matter or evidence was not within his knowledge and even after exercise of due diligence, the same could not be produced before the Court.

36. A review of an order is permissible only when an error is detectable on a mere looking at the record and would not require any long-drawn process of reasoning. While considering the subservience of the justice is the ultimate goal, the statutory limitation shall not be overstepped. In our considered view, the learned Single Judge had overstepped its jurisdiction conferred upon him under Order 47, Rule 1 of CPC.

37. After careful consideration of all aspects, on factual and legal issues, in our considered view, all the writ

petitioners/Sub-Inspectors are entitled to the pay scale of Rs.1450-3710 and they were also entitled to the pay scale of Rs.7450-13000 and further graded scale of Rs.10,000-15,100 considering their entry into the service as Sub-Inspectors, in the light and spirit of ROP Rules, 1988 and ROP Rules, 1999 and the corresponding revised scales applicable to the writ petitioners. More specifically, the Sub-Inspectors-writ petitioners who were appointed after 01.01.1996 shall also be guided by the corresponding revised pay scale as well as the respective grade pay since introduction of ROP Rules, 1988. To this extent, the batch of writ petitions are allowed and the writ appeals preferred by the State challenging the decision of learned Single Judge that Sub-Inspectors/Writ petitioners who were appointed after 01.01.1996 are wholly guided by the ROP Rules, 1999, is rejected, as stated above.

38. However, challenge made to this batch of writ appeals preferred by the State to the extent of grant of arrears of salary and allowances is allowed. Consequently, the direction of the learned Single Judge in that batch of writ petitions granting arrears of salary and allowances and prayer for granting the same benefit in the present batch of writ petitions are rejected. We make it clear that the writ petitioners, whether they are retired or still in service, shall not be entitled to any arrear of salary whatsoever and their pay scales shall be fixed notionally. On the other hand, the order of the learned Single

Judge directing the State to pay arrears of salary commensurate to their scales of pay as fixed by this Judgment is set aside.

39. In the result, the batch writ petitions filed before this Court are allowed, to the extent as indicated above, and the writ appeals filed by the State of Tripura are also allowed in part, in the above terms.

There shall be no order as to costs.

Pending applications, if any, stand disposed of.

(ARINDAM LODH, J)

(SANJAY KAROL, CJ)

