

**GOVERNMENT OF TRIPURA  
PUBLIC WORKS DEPARTMENT (R&B)**

No.F.6(55)-PWD(E)/2011(P-II)/ 8362-199

Dated, Agartla the 28<sup>th</sup> August, 2023

**ORDER**

**Subject:-** Revision of Pay Structure as per Tripura State Civil Services (Revised Pay) Rules, 2009/ cancellation of benefit of CAS-I in partial modification of office Memorandum No.F.6(55)-PWD(E)/2011(P-I)/14905-15000, dated 30/11/2017 in the light of Order & Judgment dated 10/05/2022 of Hon'ble High Court of Tripura delivered in WP(C) 825 of 2021 & WP(C) 864 of 2021 respectively.

Whereas during the implementation of TSCS (RP) Rules, 2009 in a few isolated cases confusion arises regarding movement under CAS from pre-revised lower scales to higher pre-revised pay scales wherein it has been noticed that the employee got the benefit of higher pay scale / higher Grade Pay scale under CAS during period 01-01-1999 to 31-12-2005 but without any change in the basic pay and even without any change of DNI on the ground that at the time scale slab of lower pay scale and higher pay scale/ higher Grade Pay scale become exactly equal and date of increment and date of CAS also fall on the same date. Now, clarification has been sought whether such cases would be treated as consumption of ACP for determining eligibility for providing future benefit under ACP.

And,

Whereas Finance Department vide Memorandum dated 14/09/2009 directed that "*As the basic pay of the employee on the concerned date had not been changed at time of such CAS movement and also under the process DNI also had not been changed, it would not be counted as consumption of ACP while determining the eligibility for future ACP*".

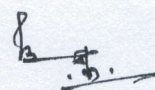
And,

Whereas Finance Department vide Memorandum Dated 16/01/2012 had withdrawn earlier clarification given at Point No.3 communicated vide Memorandum dated 14/09/2009 with the Observations "*It is re-clarified that an employee appointed in the pre-revised pay scale of Rs. 3300-7100/- and moved to CAS-I in the next higher pre-revised pay scale of Rs. 4000-7890/- (having higher rate of increment than that of the pre-revised pay scale of Rs. 3300-7100/-) with fixation of pay at Rs. 4000/- vide FR22(1)(a)(2) after completion of required qualifying service in the pre-revised pay scale of Rs. 3300-7100/- without any promotion during the period from 01-01-1999 to 31-12-2005 was treated to have availed of CAS-I under TSCS (RP) Rules, 1999. Therefore, no further ACP-I/other benefit in lieu of CAS-I is admissible under TSCS (RP) Rules, 2009. However, the past cases where ACP-I had been granted to any employee in such cases need not be re-opened*".

And,

Whereas Finance Department while giving views to few cases on similar issue, has reiterated the decision of the Government as communicated vide U.O. No. 439 dated 20-01-2012 to deal with such old cases.

And,





Whereas Department vide Memorandum dated 30/11/2017 had directed to all concerned DDO'S to make a list of such employees who have got the benefit of additional 01 (one) increment under CAS-I & consequently to take action for recovery of the overdrawn amount and to re-fix their pay.

And,

Whereas being aggrieved Shri Partha Sarathi Paul, LDC, Shri Asish Sur, LDC, Smt. Sikha Barman Biswas, UDC, & Shri Timir Baran Datta, LDC had filed WP(C) 825 of 2021 & WP(C) 864 of 2021 respectively before the Hon'ble High Court of Tripura interalia seeking the following relief:

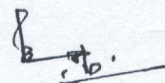
- A. To set aside & quashed the Memorandum No.F.6(1)-FIN(PC)/2008, dated 16/01/2012 of Deputy Secretary, Finance Department, Government of Tripura along with Note No. 6 issued Vide U.O No. 439/FIN(PC)/12, dated 20/01/2012 .
- B. To set aside the Memorandum No.F.6(55)-PWD(E)/2011(P-I)/14905-15000, dated 30/11/2017 of Engineering Officer to Chief Engineer, PWD(R&B) Government of Tripura.
- C. And, also to grant the financial benefit to the petitioner in terms of the clarification at Point No.3 of the Memorandum No.F.6(1)-FIN(PC)/2008, dated 14/09/2009 of Joint Secretary, Finance Department, Government of Tripura 2012 .

And,

Whereas Hon'ble High Court of Tripura vide **Judgment & Order dated 10/05/2022** delivered in **WP(C) 825 of 2021 & WP(C) 864 of 2021** respectively directed that "*Having appreciated the case of the petitioners in the backdrop of Dibakar Chakraborty (supra) and Kinkar Roy (supra), the respondents are directed to not recover any amount which the petitioners received in terms of Point No.3 of the clarification dated 14.09.2009 [Annexure-2 to the writ petitions]. However, the respondents are entitled to fix the pay and other allowances in terms of Rule 10(7) of the ROP Rules, 2009 and to apply the subsequent revisions of pay. Consequently, the respondents are prohibited from recovering any amount which the petitioners were given in terms of the Point No.3 of the clarification dated 14.09.2009*". Therefore, as per direction of the Hon'ble High Court of Tripura & subsequent concurrence obtained from the Law Department, Government of Tripura, Vide U.O No.2015,Secy-Law/2022,dated 25/08/2022 Department vide memo dated 14/09/2022 directed to the concerned DDO's to re fix pay & other allowances of the petitioners as per Memorandum dated 16/01/2012 of the Finance Department followed by this office Memorandum dated 30/11/2017 but not to recover any overdrawn amount from the petitioners as the amount that has been paid in excess while implementing the point No. 3 of the Clarification dated 14/09/2009 as directed by the Hon'ble High Court.

And,

Whereas in a similarly fitted Case of Shri **Dibakar Chakraborty** vide **Case No. 1701 of 2017** as per direction of the Hon'ble High Court of Tripura & subsequent concurrence obtained from the Law Department, Government of Tripura vide U.O No.1745 Secy/Law/2021,dated 01/07/2021 as

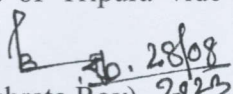




well as approval accorded from the Finance Department, Government of Tripura vide U.O No. 670 Fin (Estt-II)/2020, dated 02/02/2022 and accordingly it was directed upon to the Concerned DDO to re fix pay & other allowances of the petitioner as per Memorandum dated 16/01/2012 of the Finance Department followed by this office Memorandum dated 30/11/2017 but not to recover any amount from the petitioner as the amount that has been paid in excess while implementing the clarification (point No.3) as such since there was no attempt to made recovery of the amount in five years & hence such recovery be deemed to have waived conscientiously.

Now, therefore it is hereby directed to the concerned DDO's to re fix pay & other allowances of the officials within September, 2023 as per Memorandum dated 16/01/2012 of the Finance Department followed by this office Memorandum dated 30/11/2017 but not to recover any overdrawn amount from the officials as the amount that has already been paid in excess while implementing the point No.3 of the Clarification dated 14/09/2009 as directed by the Hon'ble High Court.

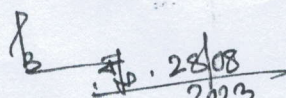
This is issued as per approval of the Law Department, Government of Tripura vide U.O No.1376 Secy-Law/2023, dated 19/07/2023.

  
(Subrata Roy) 28/08/2023

Deputy Secretary, PWD(R&B)

Copy to:-

1. The Accounts General (A&E), Tripura, Agartala for kind information.
2. The Managing Director, TSECL for kind information.
3. The Chief Engineers, PWD [R&B, Buildings, DWS, WR, NH, PMGSY, UDD] for kind information.
4. The Superintending Engineers, PWD [R&B, Buildings, DWS, WR, NH, PMGSY, Project Unit, Planning Unit] for information.
5. Senior Architect, PWD for information.
6. Deputy Secretary, PWD [R&B, Buildings, DWS, WR, NH, PMGSY] for information.
7. The Treasury Officer, Agartala Treasury No-II, Agartala.
8. The Executive Engineers, [R&B, Buildings, DWS, WR, NH, PMGSY, UDD] for information & necessary action.
9. Estate Officer, PWD, Agartala for information & necessary action.
10. The Deputy General Manager, Corporate, TSECL for information & necessary action. He is also requested to communicate the Order among the Circle Offices & Division Offices under TSECL (Erstwhile Department of Power).
11. Electrical Inspector, P.N Complex, Gurkhabasti, Agartala for information & necessary action.
12. IT cell, Netaji Chowmuhani for upload the same in PWD website.
13. Guard File/Office Order Book.

  
(Subrata Roy) 28/08/2023

Deputy Secretary, PWD(R&B)