

**HIGH COURT OF TRIPURA
AGARTALA**

IA NO 1 OF 2020 IN WA 245 OF 2020
Along with WA 245 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ranjit Kr. Datta Respondent.

IA NO 1 OF 2020 IN WA 247 OF 2020
Along with WA 247 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Shibu Chanda Respondent.

IA NO 1 OF 2020 IN WA 254 OF 2020
Along with WA 254 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Dilip Kr Banik Respondent.

IA NO 1 OF 2020 IN WA 255 OF 2020
Along with WA 255 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Niresh Dey Respondent.

IA NO 1 OF 2020 IN WA 257 OF 2020
Along with WA 257 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ranjit Ch.Das Respondent.

IA NO 1 OF 2020 IN WA 262 OF 2020
Along with WA 262 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Rabindra Kr. Bhowmik Respondent.

IA NO 1 OF 2020 IN WA 264 OF 2020
Along with WA 264 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Amalendu Dhar Respondent

IA NO 1 OF 2020 IN WA 267 OF 2020
Along with WA 267 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Samir Ch.Majumder Respondent

IA NO 1 OF 2020 IN WA 338 OF 2020
Along with WA 338 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sadhan Datta Respondent

IA NO 1 OF 2020 IN WA 339 OF 2020
Along with WA 339 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ashish Kr. Deb Respondent

IA NO 1 OF 2020 IN WA 340 OF 2020
Along with WA 340 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Bipul Gon Choudhury Respondent

IA NO 1 OF 2020 IN WA 354 OF 2020
Along with WA 354 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Arun Roy Respondent

IA NO 1 OF 2020 IN WA 361 OF 2020
Along with WA 361 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sachindra Kr. Shil Respondent

For the appellant-
applicant (s) : Mr. M. Debbarma, Addl. G.A.

For the respondent(s) : Mr. P. Roy Barman, Advocate.

IA NO 1 OF 2020 IN WA 238 OF 2020
Along with WA 238 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Santosh Chowdhury Respondent

IA NO 1 OF 2020 IN WA 436 OF 2020
Along with WA 436 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Amit Kr. Kar Respondent

For the appellant-
applicant (s) : Mr. M. Debbarma, Addl. G.A.

For the respondent(s) : Mr. M. Debnath, Advocate.

IA NO 1 OF 2020 IN WA 244 OF 2020
Along with WA 244 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nalini Ranjan Das Respondent

IA NO 1 OF 2020 IN WA 248 OF 2020
Along with WA 248 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Tarun Kr. Das Respondent

IA NO 1 OF 2020 IN WA 249 OF 2020
Along with WA 249 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Biswajit Saha Respondent

IA NO 1 OF 2020 IN WA 261 OF 2020
Along with WA 261 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Matilal Bhattacharjee Respondent

IA NO 1 OF 2020 IN WA 263 OF 2020
Along with WA 263 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nepal Ch. Deb Respondent

IA NO 1 OF 2020 IN WA 265 OF 2020
Along with WA 265 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Siddharta Sankar Chowdhury .. Respondent

IA NO 1 OF 2020 IN WA 266 OF 2020
Along with WA 266 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Amiya Chowdhury .. Respondent

IA NO 1 OF 2020 IN WA 269 OF 2020
Along with WA 269 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ashish Ranjan Banik .. Respondent

IA NO 1 OF 2020 IN WA 273 OF 2020
Along with WA 273 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Partha Gon Chowdhury .. Respondent

IA NO 1 OF 2020 IN WA 275 OF 2020
Along with WA 275 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Dilip Kr. Deb .. Respondent

IA NO 1 OF 2020 IN WA 276 OF 2020
Along with WA 276 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ajit Dasgupta .. Respondent

IA NO 1 OF 2020 IN WA 279 OF 2020
Along with WA 279 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Kumud Ranjan Datta .. Respondent

IA NO 1 OF 2020 IN WA 280 OF 2020
Along with WA 280 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sanat Kr. Pal .. Respondent

IA NO 1 OF 2020 IN WA 281 OF 2020
Along with WA 281 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sudip Chakraborty .. Respondent

IA NO 1 OF 2020 IN WA 282 OF 2020
Along with WA 282 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Pradip Chakraborty .. Respondent

IA NO 1 OF 2020 IN WA 283 OF 2020
Along with WA 283 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Pran Krishna Saha .. Respondent

IA NO 1 OF 2020 IN WA 284 OF 2020
Along with WA 284 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sudarshan Bhattacharjee .. Respondent

IA NO 1 OF 2020 IN WA 285 OF 2020
Along with WA 285 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Shanti Ranjan Das .. Respondent

IA NO 1 OF 2020 IN WA 286 OF 2020
Along with WA 286 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Dilip Bhattacharjee .. Respondent

IA NO 1 OF 2020 IN WA 290 OF 2020
Along with WA 290 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sukla Sen .. Respondent

IA NO 1 OF 2020 IN WA 307 OF 2020
Along with WA 307 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Purnendu Datta .. Respondent

IA NO 1 OF 2020 IN WA 310 OF 2020
Along with WA 310 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Upendra Ch. Biswas .. Respondent

IA NO 1 OF 2020 IN WA 317 OF 2020
Along with WA 317 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Gouranga Debnath .. Respondent

IA NO 1 OF 2020 IN WA 320 OF 2020
Along with WA 320 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Jaharlal Debbarma .. Respondent

IA NO 1 OF 2020 IN WA 323 OF 2020
Along with WA 323 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Debojyoti Gautam .. Respondent

IA NO 1 OF 2020 IN WA 325 OF 2020
Along with WA 325 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Rajendra Datta .. Respondent

IA NO 1 OF 2020 IN WA 326 OF 2020
Along with WA 326 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Shyama Prasad Biswas .. Respondent

IA NO 1 OF 2020 IN WA 328 OF 2020
Along with WA 328 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Pradyot Bhowmik .. Respondent

IA NO 1 OF 2020 IN WA 330 OF 2020
Along with WA 330 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Rupak Chakraborty .. Respondent

IA NO 1 OF 2020 IN WA 334 OF 2020
Along with WA 334 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nityananda Bhattacharya .. Respondent

IA NO 1 OF 2020 IN WA 345 OF 2020
Along with WA 345 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Jagadish Paul .. Respondent

IA NO 1 OF 2020 IN WA 349 OF 2020
Along with WA 349 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ratan Kr. Das .. Respondent

IA NO 1 OF 2020 IN WA 350 OF 2020
Along with WA 350 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Pradip Kr. Das .. Respondent

IA NO 1 OF 2020 IN WA 367 OF 2020
Along with WA 367 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sunil Murasingh .. Respondent

IA NO 1 OF 2020 IN WA 368 OF 2020
Along with WA 368 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ratan Kr. Sarkar. .. Respondent

IA NO 1 OF 2020 IN WA 369 OF 2020
Along with WA 369 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Lily Das & Ors. .. Respondent

IA NO 1 OF 2020 IN WA 370 OF 2020
Along with WA 370 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Prasun Kanti Tripura .. Respondent

IA NO 1 OF 2020 IN WA 372 OF 2020
Along with WA 372 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ratan Majumder .. Respondent

IA NO 1 OF 2020 IN WA 374 OF 2020
Along with WA 374 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sajal Kr. Deb .. Respondent

IA NO 1 OF 2020 IN WA 375 OF 2020
Along with WA 375 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Tapan Kr. Deb Roy .. Respondent

IA NO 1 OF 2020 IN WA 379 OF 2020
Along with WA 379 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Prabhatosh Talukar .. Respondent

IA NO 1 OF 2020 IN WA 380 OF 2020
Along with WA 380 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Satya Ranjan Das .. Respondent

IA NO 1 OF 2020 IN WA 382 OF 2020
Along with WA 382 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nityananda Debnath .. Respondent

IA NO 1 OF 2020 IN WA 384 OF 2020
Along with WA 384 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Jitendra Mallik .. Respondent

IA NO 1 OF 2020 IN WA 387 OF 2020
Along with WA 387 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Bishanpani Das .. Respondent

IA NO 1 OF 2020 IN WA 388 OF 2020
Along with WA 388 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Narayan Ch. Das .. Respondent

IA NO 1 OF 2020 IN WA 389 OF 2020
Along with WA 389 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Paresh Ch. Saha .. Respondent

IA NO 1 OF 2020 IN WA 390 OF 2020
Along with WA 390 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nepal Ch. Ghosh .. Respondent

IA NO 1 OF 2020 IN WA 391 OF 2020
Along with WA 391 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ranga Dulal Debbarma .. Respondent

IA NO 1 OF 2020 IN WA 392 OF 2020
Along with WA 392 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Samar Das .. Respondent

IA NO 1 OF 2020 IN WA 393 OF 2020
Along with WA 393 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Haradhan Adhikari .. Respondent

IA NO 1 OF 2020 IN WA 394 OF 2020
Along with WA 394 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Manish Majumder .. Respondent

IA NO 1 OF 2020 IN WA 395 OF 2020
Along with WA 395 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Krishnadhan Das .. Respondent

IA NO 1 OF 2020 IN WA 396 OF 2020
Along with WA 396 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Dipak Kr. Ghosh .. Respondent

IA NO 1 OF 2020 IN WA 397 OF 2020
Along with WA 397 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ratan Chanda .. Respondent

IA NO 1 OF 2020 IN WA 398 OF 2020
Along with WA 398 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Panna lal Chowdhury .. Respondent

IA NO 1 OF 2020 IN WA 399 OF 2020
Along with WA 399 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Mukti lal Dey .. Respondent

IA NO 1 OF 2020 IN WA 400 OF 2020
Along with WA 400 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ajoy Chakma .. Respondent

IA NO 1 OF 2020 IN WA 401 OF 2020
Along with WA 401 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Ajoy Narayan Roy .. Respondent

IA NO 1 OF 2020 IN WA 402 OF 2020
Along with WA 402 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Rabindra Kar .. Respondent

IA NO 1 OF 2020 IN WA 403 OF 2020
Along with WA 403 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Anjana Gupta .. Respondent

IA NO 1 OF 2020 IN WA 404 OF 2020
Along with WA 404 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Bhanu Chakraborty .. Respondent

IA NO 1 OF 2020 IN WA 405 OF 2020
Along with WA 405 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Kiriti Roy Barman .. Respondent

IA NO 1 OF 2020 IN WA 410 OF 2020
Along With WA 410 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Bimalangshu Das .. Respondent

IA NO 1 OF 2020 IN WA 415 OF 2020
Along with WA 415 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Haradhan Nath Sarkar .. Respondent

IA NO 1 OF 2020 IN WA 418 OF 2020
Along with WA 418 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Arunlal Das .. Respondent

IA NO 1 OF 2020 IN WA 422 OF 2020
Along with WA 422 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Chanu Ch. Das .. Respondent

IA NO 1 OF 2020 IN WA 423 OF 2020
Along with WA 423 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Shyamal Chakraborty .. Respondent

IA NO 1 OF 2020 IN WA 424 OF 2020
Along with WA 424 OF 2020

The State of Tripura & Ors. .. Applicant(s) Vrs. Subhash Ranjan Bhattacharjee .. Respondent

IA NO 1 OF 2020 IN WA 425 OF 2020
Along with WA 425 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Subrata Debbarma .. Respondent

IA NO 1 OF 2020 IN WA 428 OF 2020
Along with WA 428 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Mono Mohan Debnath .. Respondent

IA NO 1 OF 2020 IN WA 429 OF 2020
Along with WA 429 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Rathindra Ch. Dey .. Respondent

IA NO 1 OF 2020 IN WA 431 OF 2020
Along with WA 431 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Nandan Sarkar .. Respondent

IA NO 1 OF 2020 IN WA 432 OF 2020
Along with WA 432 OF 2020

**The State of Tripura & Ors. .. Applicant(s) Vrs. Haradhan Kr. Chowdhury
&Anr. .. Respondent**

IA NO 1 OF 2020 IN WA 433 OF 2020
Along with WA 433 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Khagesh Debnath .. Respondent

IA NO 1 OF 2020 IN WA 434 OF 2020
Along with WA 434 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Sushil Ranjan Majumder .. Respondent

IA NO 1 OF 2020 IN WA 437 OF 2020
Along with WA 437 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Binoy bhusan Rowth .. Respondent

IA NO 1 OF 2020 IN WA 438 OF 2020
Along with WA 438 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Adhir Dhar .. Respondent

IA NO 1 OF 2020 IN WA 439 OF 2020
Along with 439 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Babul Das .. Respondent

IA NO 1 OF 2020 IN WA 440 OF 2020
Along with WA 440 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Siamdingi Darlong .. Respondent

IA NO 1 OF 2020 IN WA 441 OF 2020
Along with WA 441 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Pratima Roy .. Respondent

IA NO 1 OF 2020 IN WA 442 OF 2020
Along with WA 442 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Tapati Biswas .. Respondent

IA NO 1 OF 2020 IN WA 443 OF 2020
Along with WA 443 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Maniklal Das .. Respondent

IA NO 1 OF 2020 IN WA 444 OF 2020
Along with WA 444 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Parimal Kanti Majumder .. Respondent

IA NO 1 OF 2020 IN WA 445 OF 2020
Along with WA 445 OF 2020

The State of Tripura & Ors. Applicant(s) Vrs. Manas Roy Debbarma .. Respondent

For the appellant- : Mr. M. Debbarma, Addl. G.A.
applicant (s)

For the respondent(s) : None.

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR.JUSTICE ARINDAM LODH**

Order

11/01/2021
(A. Kureshi, CJ)

Leave to amend the prayer clause in respective writ
appeals.

This group of writ appeals with connected interim applications have rather unusual history.

Such Factual background was recorded in an order dated 05.10.2020 passed in IA No.1 of 2019 in WA No.148 of 2019 which also arose out of the judgment of the Single Judge dated 20th February, 2017 in case of **Ajoy Mallik Vrs. State of Tripura & Ors.** The said proceedings had identical background and the said order, therefore, may be reproduced.

“Writ appeal is filed by the State Government to challenge a common judgment of the learned Single Judge dated 20th February, 2017 passed in WP(C) No.491/2016 in case of Ajoy Mallik Vs State of Tripura and others connected petitions, as well as a further order of 9th November, 2017 passed in Review Petition No.29/2017 filed by one Sri Gouranga Debnath who was one of the petitioners whose petition came to be disposed of by the aforementioned judgment dated 20th February, 2017. While allowing the review petition and granting benefit of back wages on the basis of higher salary payable to the petitioners as per the original judgment dated 20th February 2017, the learned Single Judge clarified that that order shall apply in respect of all writ petitioners whose writ petitions were disposed of by the said common judgment.

By the said common judgment dated 20 th February 2017, large numbers of writ petitions were disposed of by the learned Single Judge. Each petition in turn contained several writ petitioners. Previously, this writ appeal along with other connected appeals and writ petitions was disposed of by the Division Bench by a judgment dated 9th September, 2019. The additional relief granted for arrears of salary by the learned Single Judge in the review order dated 9th November, 2017 was set aside. However, subsequently, some of the original writ petitioners raised the grievance that the writ appeals were disposed of without hearing them and without condoning delay. The said judgment of the Division Bench,

therefore, qua this writ appeal was recalled by an order dated 11th March, 2020.

While passing the said order dated 11th March 2020, our intention was clear, clearly stated during the course of the discussion that we were recalling the judgment only qua those who have sought a review before us. Unfortunately, at that time it was not brought to our notice that in a single writ appeal, the Government has clubbed judgement disposing of several writ petitions for challenge. It was the duty of the Government Advocate to bring it to our notice. Far more importantly, it was the duty of the counsel for the review petitioners to bring this factor to our notice. Unfortunately, they both failed to do so. Accordingly, when we recalled the judgment dated 9th September, 2019 of the Division Bench, making it clear that the same was qua only WA No.146/2019, totally unintended, it amounted to recalling the judgment covering large number of petitions where none of the petitioners had even requested for a review. They were thus not aggrieved by the order of the Division Bench. This unfortunate turn of events is on account of lack on part of the advocates concerned to bring it to our notice these unusual phenomena where one State appeal encompassed large number of writ petitions. Learned counsel Mr. Raju Datta who appears for the review petitioners owed a moral duty to us to bring this to our notice. We are sorry to record that he failed to discharge such duty. We restrain ourselves from recording that it was deliberate.

Our intention while recalling the previous judgement thus was and could not have been to recall the same qua those who had not sought the review at all. The learned single judge in his judgement disposing of the writ petitions had granted the benefit of higher pay without any reference to arrears. In the review judgement, arrears were made payable. The State had challenged both these orders. The Division Bench had allowed the Appeal of the State only to the extent of arrears. Thus, initial judgement of the learned single judge was not disturbed. To that extent, the original petitioners were successful even before the Division Bench. While the judgement of the Division Bench in WPA was recalled, it stood recalled in its entirety. The WPA would be heard afresh with the possibility of it being allowed totally unlike in the earlier occasion when it was allowed only in

part. Such a situation can never be brought about in case of those petitioners who did not seek review and were satisfied with the result of the outcome in the WLA.

Under the circumstances, it is clarified that our order dated 11th March, 2020 recalling the Division Bench judgment in WA No.146/2019 would apply only qua the petitioners of the review petition. In the process, writ appeal No.146/2020 would stand revived only for this limited purpose in relation to the petitions of the review petitioners. While recalling the order we had made it clear to the learned counsel for the review petitioners that we would hear the delay condonation petition if the State Government so files and if we condoned the delay, also the writ appeal finally. He had agreed to such terms. Accordingly, he agreed that the State Government has also served a copy of the delay condonation petition to him.

Accordingly, we have heard learned advocates appearing for the parties for final disposal of delay condonation petition as well as writ appeal. Order and judgment reserved.”

From the above, it can be seen that at one stage the Division Bench of this Court had set aside a portion of the order dated 9th November, 2017 passed in Review Petition No.29/2017 by the learned Single Judge. However, subsequently some of the petitioners who were the beneficiaries of the order of the Single Judge in Review Petition, filed Review Petitions before the Division Bench and raised the grievances that without hearing them and without condoning delay in filing Writ Appeal by the Government, the Division Bench proceeded to decide the Writ Appeal of the Government. The Review Petitions were allowed and as explained in the above noted order dated 05.10.2020 in IA No.1 of 2019 in WA 148/2019, the judgment of the

Division Bench which was detrimental to original petitioners was recalled qua the review petitioners only.

Consequently, the State's writ appeals qua such aggrieved parties stood revived.

In order to complete the procedure and formalities, the Government has now filed separate writ appeals qua each writ petition that the learned Single Judge had dealt with and corresponding interim applications seeking condonation of delay have been filed.

In case of those petitioners who had sought review of the judgment of the Division Bench and which was granted, we have separated out the State appeals for separate consideration. Such appeals along with applications for condonation of delay have been heard and reserved for judgment. However, in the present group of appeals and connected interim applications, we do not find it necessary to go into any detail. This is for the following reasons.

The Division Bench judgment in case of *State of Tripura Vrs. Saroj Bhattacharjee* passed in WA 86 of 2018 dated 9th September, 2019, though effectively withdrew the benefit of arrears of salary of the present respondents i.e. original writ petitioners also, they have not questioned that decision before any forum. In other words, they have not sought review of the judgment, nor appealed against it. Whatever be the technicality, unlike some other original petitioners, these petitioners who are respondents in these writ

appeals, have not made any grievance about the decision of the Division Bench in Case of *Saroj Bhattacharjee (supra)*. Under the circumstances, the judgment of the Division Bench qua these employees, still survives and exists in eye of law. In that view of the matter, at this stage the appeals of the Government are neither necessary nor perhaps maintainable. The interim applications along with writ appeals are, therefore, disposed of in view of the above observations. It is clarified that if at any stage in future the question of examining the correctness of the directions of the learned Single Judge in the order dated 9th September, 2017 in case of *Gouranga Debnath Vrs. State of Tripura* qua these petitioners arises, it would be open for the Government to file appropriate proceedings as found necessary.

With these observations all the interim applications and connected writ appeals are disposed of.

(ARINDAM LODH), J

(AKIL KURESHI), CJ.

sanjay