

No.F.1(1-46)-SE/E(NG)/2018(L-4)
Government of Tripura
Directorate of Secondary Education
Establishment (NG) Section.

Dated, Agartala, the 29/09 /2023.

MEMO

Pursuant to Judgment and Order of the Hon'ble High Court of Tripura dated 06.03.2020 in WP(C) No. 859/2019 and on recommendation of the Teachers' Recruitment Board, Tripura vide Letter No.F.2(1-18)GEN/TRBT/REC/2017/249 dated 04.06.2020, Sri Prasenjit Banik S/O Sri Haradhan Banik, Vill/Town-Indranagar, Agartala, West Tripura was given offer of appointment to the post of Post Graduate Teacher(Music) on fixed pay basis vide Memo No. F.1(1-46)-SE/E(NG)/2018(L-4) dated 23.07.2020 and subsequently posted at Kalagangerpar H. S. School, Dharmanagar, North Tripura vide this Directorate Memo of even number dated 11.11.2020 to the post of Post Graduate Teacher (Music) on fixed pay basis on monthly fixed pay of Rs. 26,025/-(75% of Pay Level-10 of Tripura Pay Matrix-2018) for a period of 1(one) year from the date of his joining as per terms and conditions as laid down in the offers of appointment.

As per the Judgment and Order of the Hon'ble High Court of Tripura dated 06.03.2020 delivered in WP(C) No. 859/2019, the appointment of Sri Prasenjit Banik would be prospective and he joined the post of PGT (Music) on 25.11.2020 (forenoon) i.e, after implementation of the New Pension Scheme in Tripura, his service would be governed by the New Pension Scheme as implemented vide Finance Department, Tripura Notification No.F.8(1)-FIN(G)/2004(P-1) dated 13.07.2018.

Thereafter, in compliance with the Order of the Hon'ble High Court of Tripura dated 11.08.2022 delivered in WP(C) No. 630/2022 the joining of Sri Prasenjit Banik, PGT (Music) of Kalagangerpar H. S. School, Dharmanagar, North Tripura on **25.11.2020 (FN)** was accepted pending the matter whether the service of Sri Banik, PGT (Music) would be governed by New Pension Scheme (NPS) as implemented in Tripura vide Notification No.F.8(1)-FIN(G)/2004(P-1) dated 13.07.2018 formulated in line with the Contributory pension Scheme announced by Government of India or not as the matter is sub-judice.

Now, the Hon'ble High Court of Tripura vide Judgment and Order dated 03.08.2023 has disposed of the W.P.(C) No. 630/2022 with the following observation:-

"In view of the above submission and considering the all aspects of the matter, this court is of the view that the petitioner has made out his case in establishing that the impugned memo dated 28.06.2021 bearing reference No.F1(1-46)-SE/E(NG)/2018(L-4) is an unreasoned one and without application of mind. Accordingly, the memo dated 28.06.2021 is set aside. This court has no hesitation to hold that the interpretation given by the respondent No.2 in the impugned memo interpreting the order dated 06.03.2020 delivered in WP(C) 859 of 2019 by this court, is wrongly interpreted. While referring to the proceeding dated 08.06.2022, the information provided under the RTI Act clearly indicates that 12 posts were assigned for STPGT, 2017. Therefore, it can be said that since sufficient vacancies are available as on the date of consideration, the case of the petitioner, as per the judgment passed in WP(C)859 of 2019, needs to be considered. Furthermore, it also goes without saying that the petitioner is entitled to the pension under the old scheme, i.e. CCS(Pension) Rules, 1972 as adopted in the State of Tripura.

Accordingly, the order dated 06.03.2020 passed in WP(C)859 of 2019 stands clarified for the benefit of the respondents though there is no ambiguity in the order.


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Now, in compliance with the Judgment and Order of the Hon'ble High Court of Tripura the undersigned is hereby accepted the appointment of Sri Prasenjit Banik, PGT (Music), Kalagangerpar H. S. School, Dharmanagar, North Tripura w.e.f. 25.11.2020 (F/N) i.e. from the date of his joining to the post of Post Graduate Teacher (Music) under the Old CCS (Pension) Rules,1972 as adopted in the State of Tripura.

Sri Prasenjit Banik, PGT (Music) is entertained against posts created vide Education (School) Department, Tripura, Memo. No. F.8(1-33)-SE/E/PLAN/2015(1)dated 25.06.2016.

His pay etc. will be drawn against the Head of Account 2202-General Education, 02-Secondary Education, 104-Teachers and Other Services, 41-Human Development, 18-Govt. Secondary Schools, 01-Salaries (Non-Plan) under Demand No.40.


(N.C.Sharma, TCS, SSG)
Director of Secondary Education,
Tripura.

Copy to :-

- 1) The Accountant General (A & E), Tripura, Agartala.
- 2) The Treasury/ Sub-Treasury Officer, _____ for information.
- 3) The District Education Officer, North District, Tripura for information.
- 4) The Head of Office & DDO, Kalagangerpar H. S. School, Dharmanagar, North Tripura (Inspector of Schools, Kadamtala) for information and necessary action.
- 5) Individual concerned (through the Head of Office).
- 6) The Estt.(General)Section/ Training Section / Planning Section/Budget Section in office for information.
- ✓ 7) The Branch Officer, I/T Cell, Directorate of Secondary Education, Tripura for information and request to upload the memo in the departmental website.
- 8) Guard file in section.