

ITEM NO.7

COURT NO.4

SECTION XIV

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (C) No(s).8768/2022

(Arising out of impugned final judgment and order dated 21-12-2021 in WA No. 171/2021 passed by the High Court Of Tripura At Agarthala)

THE STATE OF TRIPURA & ORS.

Petitioner(s)

VERSUS

HIGH COURT EMPLOYEES ASSOCIATION & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.71151/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.71150/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.
Mr. Arnav Singh Deo, Adv.

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Writ Appeal No 171 of 2021, arising from a judgment dated 9 March 2021 of a Single Judge in Writ Petition (C) No 1741 of 2017 filed by the High Court Employees Association and others, is pending before the Division Bench of the High Court of Tripura. The Single Judge directed the Government of Tripura to extend the benefit of the Sixth Central Pay Commission to the employees of the High Court of Tripura as provided to the employees of the Subordinate Judiciary under an order dated 16 December 2017, invoking the doctrine of equal pay for

equal work. The State was directed to implement the judgment within eight months subject to an undertaking of the employees that if the order is set aside by the superior Court, the employees of the High Court shall refund the entire amount so received to the State Government.

2 Mr Ranjit Kumar, Senior Counsel appearing on behalf of the petitioners, submits that the employees of the High Court are governed by Rules which are framed under Article 229 of the Constitution of India.

3 Rule 16 of the High Court of Tripura Services (Appointment, Conditions of Service and Conduct) Rules 2014 stipulates as follows :

“16. Pay and allowances — (1) The pay band and grade pay of all the members in various grade/ class of the service shall be as mentioned in the Schedules and they will be entitled to such allowances and other benefits as payable to the members of the State Government Service of the corresponding class/grade, subject to such amendments and variations as may be made by the Chief Justice from time to time with the approval of the Governor where such approval is necessary.

The pay and allowances indicated in the said schedules shall stand amended as and when pay band, grade pay and allowances are revised for the members of the State Government Service of the corresponding class/grade.”

4 It has been submitted that since the Rules which have been framed by the High Court under Article 229 of the Constitution bring about a parity between the pay band and grade pay and allowances between the employees of the High Court and the members of the State Government service, it would be contrary to the provisions of the Rules to direct the payment of the Sixth Pay Commission benefits to the employees of the High Court when such benefits have not been granted to the members of the State Government service.

4 Apart from the above submissions, it has been urged on behalf of the petitioners that the issue pertaining to the grant of the Sixth Pay Commission benefits to

the employees of the District Judiciary is pending consideration before this Court in **State of Tripura v Tarun Kumar Sinha**¹.

5 Attention of this Court has also been drawn to the order dated 27 August 2021 passed in Writ Petition (C) No. 869 of 2021 issuing notice. Writ Petition (C) No 1040 of 2017 is pending before this Court in which notice was issued on 6 September 2017.

6 Issue notice.

7 Dasti service, in addition, is permitted

8 Mr Ranjit Kumar submits that the Chief Secretary of the State of Tripura has been summoned to appear before the Division Bench of the High Court on 25 July 2022 in Suo Motu Contempt Petition No 38 of 2022. We request the High Court to defer the hearing of the Contempt Petition pending further orders of this Court and until the Court is able to take up the present proceedings after return of notice.

9. List the Special Leave Petition on 12 August 2022.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER