

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 581 OF 2024

1.Sri Siddhartha Chakraborty,
S/o Lt. Manik Lal Chakraborty,
R/o Jogendranagar, P.S. East Agartala,
P.O. College Tilla, Agartala, Dist. West Tripura.

2.Sri Bipad Bandhu Sharma,
S/o Sri Dharendra Ch. Sharma,
R/o Gandhigram, P.S. Airport,
P.O. Lefunga, Mohanpur, Dist. West Tripura.

... Petitioners.

Vs.

1.The Secretary,
Department of Home (Jail), New Capital Complex,
P.O. Kunjaban, Govt. of Tripura, Agartala, West Tripura.

2.The Secretary,
Finance Department, New Capital Complex,
P.O. Kunjaban, Govt. of Tripura, Agartala, West Tripura.

3.The Inspector General of Prisons,
Prisons Department, P.O. Dhaleswar,
Agartala, West Tripura.

4. The State of Tripura,
Represented by Secretary, Department of Home (Jail),
New Capital Complex,
P.O. Kunjaban, Govt. of Tripura, Agartala, West Tripura.

... Respondents.

For the petitioner(s) : Mr. Soumendu Roy, Advocate.

For the respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

21.01.2025

Order

By means of filing the instant writ petition, the petitioners being the Warder and Head Warder have prayed for granting enhanced Kit Maintenance Allowance/Annual Dress Allowance as well as Ration Money

Allowance similar to Constable and Head Constable under Home (Police) Department as per ROP 2017 w.e.f. 18.01.2020 and 26.04.2022 respectively.

2. Brief facts emanated from the petition are that the petitioners are the Warder and Head Warder under the Home Department (Jail), Government of Tripura. Vide notification dated 15th June, 2017, issued by the Finance Department, Govt. of Tripura provisions for providing Kit Allowance (now Kit Maintenance Allowance)/Annual Dress Allowance and Ration Allowance (now Ration Money Allowance) of personnel of Home Department (Police and Fire Service)/employees of Jails/Home Guards/Excise and Forest Department were made. The said provisions are mentioned at Para 3.1.8 and 3.1.12 of the said notification, which are reproduced here-under for convenience, *in extenso*:

“3.1.8-Kit Allowances for personnel of Home (Police and Fire Services) Department/employees of Jails/Home Guards/Excise and Forest Department shall be as follows:

Rank	Rate of Kit allowance	
	On initial entry	Subsequent years
Tripura Police Service (Gr-I)/ Officers of Tripura Fire Services in equivalent rank.	--	Rs.2000/- once in every 3 years.
Tripura Police Service (Gr-II)/Officers of Tripura Fire Services in equivalent rank.	Rs.3000/-	Rs.1700/- once in every 3 years.
Inspector/Jailor/Officers of Tripura Fire Services in equivalent rank.	--	Rs.1500/- once in every 3 years.
Sub Inspector/Asstt. Jailor/Forest Rangers/Excise Inspectors/ Officers of Tripura Fire Services in equivalent rank.	Rs.2000/-	Rs.1300/- once in every 3 years.
Havildar/Head Constable/Chief Warder/ Head Warder/ Deputy Ranger/ Forester/ Sub-Inspector of Excise/equivalent rank in Home Guards/Staff of Tripura Fire Services in equivalent rank	Rs.1800	Rs.1000/- once in every 3 years.
Constables/Warder/Forest Guards/Excise Constable/equivalent rank in Home Guards	Rs. 1600/-	Rs.700/- once in every 3 years.

The initial rates as mentioned at Column No.2 of the table above shall not be allowed to existing personnel of Home (Police and

Fire Services) Department/employees of Jails/Home Guards/Excise and Forest Department.

3.1.12-Ration Allowance Shall be at the following rates:

Ration Allowance provided to the personnel	Approved Rate
Police/TSR Personnel upto and including the rank of Inspector of Police	Rs.800/- per month
Non-Gazetted Operational Personnel of Fire Service Organisation upto and inclusive of the rank of Station Officer	Rs.800/- per month
Member of the Home Guard Volunteers of Tripura Home Guard Organisation	Rs.800/- per month
Non-Gazetted Watch and Ward Staff of the Jail Department upto the rank of Jailor	Rs.800/- per month.

3. The petitioners being the Warder and Head Warder have been enjoying the benefits of aforesaid allowances in view of the above notification dated 15th June, 2017. It is asserted in the petition that the rate of Annual Dress Allowances were enhanced to Rs.7,500/- per annum for Constable/Nayek/Head Constable and ASI of Police Department, Govt. of Tripura vide notification dated 18.01.2020 [*Annexure-3* to the writ petition]. However, the said benefits of enhancement were not extended to the Warders and Head Warders of the Home (Jail) Department, Govt. of Tripura. The petitioners submitted representations. The matter was considered by the Finance Department, Govt. of Tripura, but, extension of same benefits to the Warders and Head Warders of Home Department (Jail) were not considered. Thereafter, a review meeting was held on 7th October, 2021 [*Annexure-R/3* to the counter affidavit] which was chaired by Hon'ble the Chief Minister of Tripura. During discussion a proposal was made to reconsider the matter of extending the enhanced rate of benefits to the Warders and Head Warders under the Home (Jail) Department, Govt. of Tripura. Reference may be taken

to decision no.15 of the said review meeting dated 7th October, 2021 which reads as follows:

“15. A proposal for uniform allowances on the pattern of State Police personnel was moved to Finance Department, which was subsequently regretted. The matter has been discussed and it was decided for resubmitting the same to the F.D. for review of the matter, which will be effecting in boosting the morale and confidence of the uniformed personnel in jails/sub-jails.”

4. In view of this decision, the matter was sent to the Finance Department, Govt. of Tripura, but, the Finance Department under Note No.26 [Annexure-R/3 to the counter affidavit] regretted to extend the benefits aforestated. The Note No.26 may be reproduced here-under in verbatim:

“NOTE NO. 26

Ref: Note-24-25 of the Department file no.F.III-36/K&T/BLG/A-2/2020/

The Finance Department regrets the proposal of the Department of the matter of uniform allowances for uniform staff of Home (Jail) Department, Government of Tripura on the pattern of State Police personnel.”

5. It is further submitted by Mr. Roy, learned counsel appearing for the petitioner that the rate of Ration Money Allowances were also recently enhanced to Rs.2000/- per month for TSR and Police personnel vide communication dated 27th November,2024 [Annexure-8 to the rejoinder affidavit].

6. Having learnt the aforesaid decision of the Finance Department, Govt. of Tripura, the petitioner No.1 submitted representation to the Inspector General of Prisons, Prisons Directorate of Tripura on 13th March, 2024 [**Annexure-6** to the writ petition] praying for extending the benefits of revised rate of allowances like Police personnel. But, the said representation till today

remains un-responded compelling the present petitioners to file the instant writ petition before this Court.

7. I have heard Mr. Soumendu Roy, learned counsel appearing for the petitioners and Mr. Mangal Debbarma, learned Addl. G.A. appearing for the respondents-State.

8. I have meticulously perused the notification dated 15th June, 2017. On bare perusal of paragraphs 3.1.8 and 3.1.12 of the said notification, it comes to light that employees under the Home (Jail) Department are placed at equal pedestals along with uniformed Police personnel of Home (Police and Fire Services) Department, Rangers/Foresters/Head Forest Guards/Forest Guards under the Forest Department. It is an admitted position that till the rates of allowances are enhanced, the petitioners being the Warder and Head Warder of the Home (Jail) Department, Govt. of Tripura were enjoying the Kit Maintenance Allowances @ Rs.300/- per month and Ration Allowance @ Rs.800/- per month respectively along with other uniformed personnel of the above departments. Since the matter of extension of similar benefits to the Warders and Head Warders of the Home (Jail) Department had not been considered by the Finance Department, Govt. of Tripura, it was reviewed in a meeting held on 7th October, 2021 when Hon'ble the Chief Minister of the State had chaired the said meeting. From the decision of the said review meeting, it is clear that a proposal was taken on principle to maintain uniformity in providing the benefits of all the allowances i.e. Kit Maintenance Allowances/Annual Dress Allowances and Ration Money Allowances to the personnel of the Home (Jail) Department, Govt. of Tripura. Thereafter, the matter was considered by the Finance Department, Govt. of Tripura and under

Note No.26 (supra), the proposal was regretted by the Finance Department, Govt. of Tripura.

9. I have gone through the said Note No.26. A plain reading of the said Note reveals that the Finance Department has failed to assign any reason for not providing the benefits of revised rate of allowances to the Warders and Head Warders of the Home (jail) Department, Govt. of Tripura.

10. From the submissions advanced by learned counsel appearing for the parties and the pleadings exchanged between them, it comes to light that benefits of all allowances are provided to the personnel of Home (Jail) Department, Govt. of Tripura up-to the rank of Jailor and Sub-Jailor. The rank of Jailor has been equated with Inspector of Police and the rank of Sub-Jailor is equated with Sub-Inspector of Police. When the Warders and Head Warders of the Home (Jail) Department have been brought under notification dated 15th June, 2017 along with other uniformed personnel of the Police Department and Forest Department, I find no reason to exclude the Warders and Head Warders of the Home (Jail) Department from the benefit of revised rate. As I said earlier, the Finance Department, Govt. of Tripura could not show any reason as to why the Warders and Head Warders would not be provided similar benefits as extended to the personnel of Police Department, Forest, Fire Service, etc. departments under the Govt. of Tripura as mentioned herein-above.

11. In the aforesaid circumstances, in my opinion, exclusion of Warders and Head Warders of the Home (Jail) Department from the enhanced benefits of Kit Maintenance Allowance/Annual Dress Allowances and Ration Money Allowances is illegal, arbitrary and discriminatory and violative of Articles 14 and 16 of the Constitution of India. Non-extension of the enhanced

rate of allowances is also violative of the notification dated 15th June, 2017 since under the said notification the Warders and Head Warders of Jail department, Govt. of Tripura were treated similar to the personnel of State police department along with Forest, Fire Services, etc. departments. In this situation, the respondents have failed to show any reason for exclusion of the Warders and Head Warders of the Jail department from the benefits of enhanced rate of those allowances and to treat them differently than those of the personnel of police, etc. departments.

12. In the present writ petition, I find that there are only two petitioners, namely, Sri Siddhartha Chakraborty who is the Warder and Sri Bipad Bandhu Sharma who is the Head Warder. It is submitted that there are other Warders and Head Warders also in the Jail department. Needless to say, all the Warders and Head Warders of Jail department are entitled to have the similar benefits of those allowances at the enhanced rate as mentioned above i.e. Rs.2000/- per month as Ration Money Allowances and Rs.7,500/- per annum as Annual Dress Allowances.

13. In view of this, this judgment will be treated as *Judgment in rem* and not *in persona*.

14. Mr. Roy, learned counsel appearing for the petitioners submits that the petitioners are entitled to the arrears. I am not able to accept the submissions since the petitioners could have come earlier. Accordingly, this prayer stands rejected. The petitioners shall not be entitled to arrears of any allowances.

15. Accordingly, the instant writ petition stands allowed with the direction upon the respondents to extend the benefit of revised/enhanced rate of Kit/Dress Allowances and Ration Money Allowances at par the personnel

of Police, Forest and Fire Service, etc. departments under the State Home Department with immediate effect latest by the end of the month of February, 2025.

16. The instant writ petition stands allowed to the extent as indicated above.

JUDGE



SANJAY GHOSH Digitally signed by SANJAY GHOSH
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