

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.46 of 2023**

Dr. Suvakanta Dash

.....Petitioner(s)

Versus

State of Tripura and Others

.....Respondent(s)

For Petitioner(s) : Mr. A. Bhowmik, Adv.

For Respondent(s) : Mr. D. Bhattacharya, G.A.

Mr. K. De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10.03.2023

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharya, learned G.A. appearing for the respondents.

2. The petitioner approaches this Court under Article 226 of the Constitution of India for setting aside the order dated 06.12.2022 whereby the salary of the petitioner for the month of November, 2022 has been withheld. The petitioner further seeks a direction upon the respondents to release the monthly salary of the petitioner for the month of November, 2022 along with interest @ 12% p.a. from the date the same become due till date of actual payment.

3. The petitioner has further raises his grievance regarding Violation of Rights of the petitioner under Article 311 of the Constitution of India read with CCS(CCA) Rules, 1965. The petitioner has further asserted

that the right of the petitioner under Article 300-A and Article 16 of the Constitution of India stands violated. While the petitioner was discharging his duty and responsibility as Principal, RIPSAT(Degree) on 06.12.2022, the respondent No.2, The Deputy Secretary, Health and Family Welfare Department, Government of Tripura for some unknown reason issued an order bearing No.F.1(73)-RIPSAT/2018/Pharmaceutics/1813-17 whereby the salary of the petitioner for the month of November, 2022 was withheld.

4. The said order dated 06.12.2022 was issued by the respondent No.2 without issuing any showcause notice to the petitioner and without giving the petitioner an opportunity to represent or hearing. Therefore, in the humble submission of the petitioner the order dated 06.12.2022 violates the principles of Natural Justice of the petitioner and for some unknown reasons by way of sudden impulse, the respondent No.2, The Deputy Secretary, Health and Family Welfare Department, Government of Tripura had issued the order dated 06.12.2022 withholding the salary of the petitioner for the month of November, 2022. The action of the respondents violates the right of the petitioner under Article 311 of the Constitution of India read with CCS(CCA) Rules, 1965. The action of the respondents also violates the right of the petitioner under Articles 14, 16 and 300-A of the Constitution of India as well as the Principles of Natural Justice.

5. Having heard both sides and from a fair reading of the impugned order dated 06.12.2022 this court is of the opinion that the

respondent has passed the order without application of mind and more so, it is an unreasoned order.

In view of the same, the impugned order dated 06.12.2022 is set aside remanding the matter back to the respondents for passing a speaking order in accordance with law. The said action shall be taken by the respondents within three months from the receipt of a copy of this order.

In terms of the above, the present writ petition is disposed of.

CHIEF JUSTICE (ACTING)

