

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 42 of 2023

Dr. Lisa Debbarma

...Petitioner(s)

Vs

The State of Tripura and 2 Ors.

...Respondent(s)

For the Petitioner(s)	:	Mr. T. Debbarma, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA
		Mr. R.G. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

19/01/2023

Heard Mr. T. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for respondents no.1 and 2 and Mr. R.G. Chakraborty, learned counsel appearing for respondent no.3.

It is the case of the petitioner that through a proper selection process she has been given offer of appointment vide memorandum dated 04.11.2022. Thereafter, she submitted her letter of acceptance. On receipt of the acceptance, the Deputy Secretary, Health and Family Welfare Department, Govt. of Tripura issued appointment letter in favour of the petitioner directing her to join at the Sub-Divisional Hospital, Amarpur, Gomati, Tripura as Medical Officer (Dental) in Grade-IV of TDS.

Mr. Debbarma, learned counsel appearing for the petitioner has submitted that in the appointment letter it is specifically stated

that the petitioner should report for duty to her place of posting on or before 12.12.2022 positively. The petitioner is pursuing her MD course and she submitted a representation on 09.12.2022 for extending her date of joining. After consideration of her representation, the Deputy Secretary, Health and Family Welfare Department, Govt. of Tripura issued a memorandum dated 12.01.2023 extending 7 (seven) days time i.e. till 19.01.2023. It is stated in the memorandum that if she fails to join within 7 (seven) days time period, then, her appointment will be treated as cancelled. The memorandum dated 12.01.2023 (Annexure-12 to the writ petition) is under challenge before this Court.

Mr. Debbarma, learned counsel for the petitioner has submitted that the petitioner at present is pursuing her MD course and for this reason it is not possible for her to join to her place of posting within this extended period of time.

Mr. Debbarma, learned counsel has further placed a memorandum dated 09.08.1995 issued by Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, Government of India, wherein, it is stated that *in exceptional cases, where facts and circumstances so warrant, and in any case only upto a maximum of six months from the date of issue of the original offer of appointment, the time of joining can be extended.*

Mr. Debbarma, learned Addl. GA has submitted that the instant petition can be disposed of directing the respondent no.2 to consider her representation afresh in the light of office memorandum dated 09.08.1995 issued by the Government of India as enumerated here-in-above.

In view of this, I direct the respondents to make an endeavour to have a fresh look over the matter in the light of the office memorandum dated 09.08.1995 and to take their decisions within a period of 7 (seven) days from today.

In the meantime, the memorandum dated 12.01.2023 asking the petitioner to join her duty within 7 (seven) days from the said date shall be kept in abeyance.

With the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE



Snigdha