

HIGH COURT OF TRIPURA
AGARTALA
W.A. 19/2020

Sri Durgesh Ranjan Choudhury, son of late Debendra Kumar Choudhury, resident Cantonment Road, Bhati Abhoynagar, Agartala, West Tripura, PIN- 799001

---- Appellant

Versus

- 1. The State of Tripura**, represented by the Secretary, Department of Industries and Commerce, Government of Tripura, Secretariat, Agartala.
- 2. Tripura Jute Mills Ltd.** (A Govt. of Tripura Undertaking), Hapania, Agartala, Tripura West, being represented by the Managing Director.
- 3. Managing Director**, Tripura Jute Mills Ltd. Hapania, Agartala, Tripura West.

---- Respondents

For Appellant(s)	:	Mr. DC Saha, Advocate
For Respondent(s)	:	Mr. D. Bhattacharjee, GA Mr. P. Gautam, Advocate Mr. D. Sarma, Addl. GA
Date of hearing and delivery Of Judgment & Order	:	23.03.2023
Whether fit for reporting	:	Yes / No

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT

(Amarnath Goud, ACJ)

Heard Mr. DC Saha, learned counsel appearing for the appellant as well as Mr. D. Bhattacharjee, learned GA assisted by Mr. D. Sarma, learned Additional GA appearing on behalf of the respondent no. 1-State and Mr. P. Gautam, learned counsel appearing for respondents no. 2 and 3- Tripura Jute Mills. As per order dated 22.03.2023, the Officer of the concerned department has appeared before this court with whom we have also interacted.

2. Petitioner's case, in brief is that, he was appointed as Welfare Officer in 1984 under the disposal of respondents no. 2 and 3. On 25.10.1987, the Personnel Officer of the department had resigned from his service. It is the further case of the petitioner that after such resignation, he was asked by his employer to take charge of the post of Personnel Officer, and accordingly, he had performed his duties, but he was not paid the scale prescribed under the Rules. In the meanwhile, the petitioner went on superannuation. The further case of the petitioner is that he had submitted representations, but he did not receive any reply which prompted him to file a writ petition before this court seeking certain reliefs, and the said writ petition has been numbered as WP(C) 43 of 2019. A learned single Judge of this court by order dated 02.01.2020 had dismissed the said writ petition. Being aggrieved, the instant writ appeal has been preferred by the appellant-petitioner assailing the order dated 02.01.2020 passed in WP(C) 43 of 2019.

3. During the course of hearing, Mr. DC Saha, learned counsel for the petitioner has drawn our attention to a memorandum dated 15.02.1988 issued by the Managing Director, Tripura Jute Mills Limited, wherein it was stipulated that the petitioner is entitled to get the prescribed pay scale fixed for the post of Personnel Officer.

4. Mr. P. Gautam, learned counsel appearing for the respondents-Tripura Jute Mill has submitted that the said memorandum dated 15.02.1988 (Annexure 5 to the writ appeal) is a fake document and the same has been manipulated by the appellant. To justify his submission, Mr. Gautam,

learned counsel has drawn our attention to the foot-note of the said memorandum wherein e-mail address of the concerned authority is mentioned. Lastly, Mr. Gautam, learned counsel has urged this court to dismiss the writ appeal.

5. We have gone through the memorandum dated 15.02.1988, which is reproduced hereunder for convenience:

“TRIPURA JUTE MILLS LIMITED
A GOVERNMENT OF TRIPURA UNDERTAKING
No. TJ/FI(48)/343-349 Dated the 15 Feb, 1988

MEMORANDUM

In modification of earlier Memorandum No. TR/FI(48) dated 13/02/1988, the Management of Tripura Jute Mills Limited is pleased to appoint Sri Durgesh Ranjan Chowdhury as Personnel Officer in the Pay Scale of Rs. 1400-2350/- under the provisions of F.R. 49 w.e.f. 25/10/1987. The appointment of Sri Chowdhury is given against the permanent vacancy of Personnel Officer (UR) created from 24/10/1987 after resignation of Sri D.K. Dasgupta. The terms and conditions of the Appointment of Sri Chowdhury for the post of Personnel Officer shall be as follows-

- 1) Sri Chowdhury shall be liable to discharge all statutory duties under Labour Legislation and other rules of the Govt.
- 2) The pay for the post of Personnel Officer in the scale of Rs. 1400-2350/- shall be paid to Sri D.R. Chowdhury in the 1st week of April, 1988 (New Financial year) with arrear from 25th October, 1987.
- 3) He shall utilize the services of his Welfare Officers as per “The Factories Welfare Officers (Duties, Qualifications and conditions of Service) Rules, 1986 to avoid all legal complications in the Court of Law or in the Labour Court.
- 4) The appointment and other service conditions of Sri D.R. Choudhury, Personnel Officer shall be governed as per the provisions under F.R. 49.

To
Sri Durgesh Ranjan Choudhury
Personnel Officer, TJML

Sd/
(H.P.MUKHERJEE)
MANAGING DIRECTOR

Copy to:-

- 1) F.C. & C.S., TJML
- 2) Mill Manager, TJML
- 3) Production Manager, TJML
- 4) Accounts Officer, TJML
- 5) All Officers/Supervisors, for kind information
- 6) Personal File of Sri D.R. Choudhury, for record

HAPANIA, P.O. ONGC-799014, AGARTALA: TRIPURA
223-0496, 223-0497, 223-3423 FAX NO. (0381) 223-0163, cable: TJML
E-mail-tjml_agt yahoo.co.in”

6. The said correspondence was made in the year 1988 when there was no introduction of e-mail ID or address. According to us, it is enough to come to a conclusion that the said memorandum is itself a fake document, and we find substance in the submission of Mr. Gautam, learned counsel. Since it has been proved that the appellant has suppressed the material fact and tried to mislead the court, he is not entitled to make any further submission, and we are not ready to proceed with the case further.

7. In view of the above discussion, the instant writ appeal deserves to be dismissed with cost. Accordingly, the same stands dismissed. However, since the appellant is a retired employee, we refrain ourselves from imposing any cost.

Pending application(s), if any, also stands disposed.

Personal appearance is hereby dispensed with.

JUDGE

CHIEF JUSTICE (ACTING)