

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. 85 of 2021

Smt.Dipanjana Sinha, wife of Sri Utpal Sinha, D/o Sri Ranjit Sinha, resident of Manipuri Para, Barjala, P.O. Barjala, P.S. New Capital Complex, District- West Tripura

----Appellant(s)

Versus

1. The State of Tripura, represented by the Secretary, Department of Home, Government of Tripura, New Capital Complex, Agartala, West Tripura

2. The Director General of Police, Government of Tripura, Police Headquarter, Fire Brigade Chowmuhani, P.O. Agartala, P.S. West Agartala, District- West Tripura

3. The Deputy Inspector General of Police, North Ranje, P.O. Kumarghat, P.S. Kumarghat, District- Unakoti, Tripura

4. The Superintendent of Police, North Tripura District, Dharmanagar, P.O. + P.S. Dharmanagar, District- North Tripura

----Respondent(s)

For Appellant(s)	:	Mr. AK Pal, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA
Date of hearing & delivery of judgment	:	19.01.2023
Whether fit for reporting	:	Yes / No

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH
Judgment & Order (Oral)**

19/01/2023

(T. Amarnath Goud, ACJ)

This appeal has been filed by the original petitioner challenging the judgment of the learned Single Judge dated 08.01.2021 passed in WP(C) no.168 of 2020.

The original petitioner was engaged as a Woman Sub Inspector in Tripura Police Force. On 21.01.2019, a departmental proceeding was initiated against the petitioner.

During the inquiry proceeding, the petitioner was served with several notices by the inquiring authority to participate in the proceeding. Despite service of notice, the petitioner did not participate before the inquiry officer or the disciplinary authority. Multiple opportunities were given to the petitioner, but she did not avail these opportunities. Inquiry officer thereupon submitted his report after completion of the inquiry *ex parte* holding that the charges against the petitioner were proved. After considering the inquiry officer's report, the disciplinary authority passed a provisional order of punishment on 11th July, 2019 holding that the charges against the petitioner were correctly held to have been proved and accordingly proposed major punishment of dismissal from service of the petitioner for her gross misconduct, negligence and dereliction of duties and insubordination. Even after service of this provisional order dated 11th July, 2019 the petitioner did not respond. The disciplinary authority, therefore, passed the order of dismissal dated 29th July, 2019 in which it was recorded that the delinquent official was granted ample opportunities to participate in the departmental proceedings, but she neither appeared nor submitted any defence statement. The inquiry was, therefore, conducted *ex parte*. Though the provisional order of punishment was served upon the petitioner

but she made no representation. The disciplinary authority, therefore, proceeded to pass the order of dismissal of the petitioner from service. The said order of the disciplinary authority was challenged by the petitioner before the Deputy Inspector General, the appellate authority. The appellate authority in his order dated 24th September, 2019 recorded that he had granted personal hearing to the petitioner but was not convinced on the grounds why the petitioner was not able to participate in the departmental proceedings. The petitioner had pointed out that she had family responsibilities and family problems and she was also unwell. The appellate authority, however, was unmoved and dismissed the appeal.

Challenging the said order of dismissal dated 27.09.2019 passed by the disciplinary authority and further order dated 24.09.2019 passed by the appellant authority, the petitioner has filed a writ petition being WP(C) 168 of 2020 before this court. A learned single Judge of this court after going through the contentions, made therein, having *prima facie* found the petitioner negligent towards her duty had dismissed the writ petition. Being aggrieved, the instant writ appeal has been filed by the petitioner.

Learned counsel for the appellant has submitted that the appellant was prevented by reasonable causes not to appear

before the inquiring authority, and the *ex parte* order passed by the inquiring authority is bad in law.

Objecting the submission of learned counsel for the appellant, learned Additional GA has submitted that the appellant was provided with ample opportunities but, intentionally she did not appear before the inquiring authority. Learned Additional GA has further contended that under compelling circumstances, the inquiring authority has passed the order *ex parte* since all the allegations against the appellant have been well established.

We have perused the relevant documents relating to the instant matter. After perusal of the same, it is aptly clear that by radiogram message dated 08.11.2018, the petitioner was called by the S.P., North, but she did not turn up. Subsequently, letters dated 02.03.2019 and 20.02.2019 were issued by the inquiring authority upon the petitioner, but despite receipt of the letters, the petitioner did not turn up. Further, the appeal dated 19.08.2019 submitted by the petitioner is not supported by any medical evidences. The record clearly establish that facing serious charges in a departmental inquiry, the petitioner did not participate despite several notices and opportunities being given to her. From the stage of holding of inquiry by the inquiry officer till passing of the final order by the disciplinary authority petitioner appeared only once. At no stage, the petitioner either

filed her defence statement or actively participated in departmental inquiry. Even to the provisional order of punishment, the petitioner did not respond despite service of the order. Further, from the records, it is well established that the charges against the appellant were serious and also despite ample opportunities being given to her, she remained wilfully adamant. The learned single Judge after going all the circumstances has rightly passed the impugned judgment dismissing the writ petition filed by the petitioner.

As such, we are not inclined to interfere with the impugned order dated 08.01.2021, passed by the learned Single Judge in WP(C) No. 168 of 2020. Accordingly, appeal is, therefore, dismissed.

JUDGE

CHIEF JUSTICE (ACTING)



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