

**HIGH COURT OF TRIPURA
AGARTALA
W.A. 88 of 2021**

Sri Biswajit Das

S/o late Prasanna Kumar Das, resident of Lowgang, P.O. Lowgang- 799144, West RK Ganj, P.S. Santirbazaar, District- South Tripura

... APPELLANT
(Petitioner in the writ petition)

Versus

1. The State of Tripura, represented by the Secretary, Department of Home, Government of Tripura, New Secretariat Building, Capital Complex, P.O. Kunjaban - 799006, P.S. NCC, District- West Tripura

2. The District Magistrate & Collector, South Tripura, Belonia

3. The Chief Engineer, Public Works Department (DWS), Government of Tripura, Agartala, West Tripura

4. The Block Development Officer, Bokafa RD Block, Santirbazaar, South Tripura

5. The Executive Engineer, DWS Department, Belonia, South Tripura

6. The Sub-Divisional Officer, Public Health Department (PHE), Santirbazaar, South Tripura

7. The Superintendent of Police, South Tripura, Belonia

8. The Sub-Divisional Police Officer, Santirbazaar, South Tripura

9. The Officer-in-Charge, Santirbazaar Police Station, South Tripura

10. Lowgang Gram Panchayat, represented by the Pradhan, Bokafa RD Block, Santirbazaar, South Tripura

11. The Panchayat Secretary, Lowgang Gram Panchayat, Bokafa RD Block, Santirbazaar, South Tripura

12. Sri Prasenjit Paul, son of Sri Gouranga Paul, resident of Lowgang, Rlegp Para, P.O. Lowgang-799144, P.S. Santirbazar, District- South Tripura

... RESPONDENTS
(Respondents in the writ petition)

For Appellant(s) : Mr. B. Debnath, Advocate

For Respondent(s) : Mr. D. Bhattacharjee, GA
Mr. S. Saha, Advocate

Date of hearing & delivery of judgment : **08.02.2023**

Whether fit for reporting : **Yes / No**

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

08/02/2023

(T. Amarnath Goud, ACJ)

Heard Mr. B. Debnath, learned counsel appearing for the appellant. Also heard Mr. D. Bhattacharjee, learned GA assisted by Mr. S. Saha, learned counsel appearing for the respondents-State.

2. This appeal has been filed by the appellant assailing the judgment and order of the learned Single Judge dated 01.10.2020 passed in WP(C) no.311 of 2020 rejecting the prayer of the petitioner for release of the salary of the petitioner from the date of his retrenchment.

3. Briefly stated, the appellant-petitioner was working as Pump Operator of Lowgang Gram Panchayat since 09.10.2005. On 04.03.2018, the respondent no. 12 assaulted the petitioner and forcibly snatched the keys of the pump house and ousted him from his service and thereafter the respondent no. 12 started to discharge the duties of Pump Operator of Lowgang Gram Panchayat. The petitioner submitted several representations, but his representations had not been addressed as yet. It is the further case of the petitioner that he had submitted his work report for the period he performed as Pump Operator before respondents no. 10 and 11 but, the respondents

no. 10 and 11 denied to countersign his work report denying his salary. Subsequently, the petitioner had filed a writ petition and the learned single Judge by its judgment dated 01.10.2020 though had restored the status of the petitioner as Pump Operator but did not pass any direction for past wages.

4. Mr. Debnath, learned counsel appearing for the petitioner has submitted that since 09.10.2005 the petitioner had served as Pump Operator under the Lowgang Gram Panchayat till he was forcibly ousted from his service by respondent no. 12 on 04.03.2018. Learned counsel has further submitted that the petitioner has also submitted FIR against the respondent no. 12 which the respondents had admitted. Learned counsel for the petitioner has urged to pay the back wages, the petitioner is entitled to from the date of his retrenchment.

5. Learned GA has submitted the judgment dated 01.10.2020 passed by the learned single Judge requires no interference.

6. We have perused the records and also the judgment of the learned single Judge.

7. From the record, it is clear that the entire affairs have been dealt with the Block Development Officer, the respondent no. 4 herein. It is also evident that the petitioner had been serving as Pump Operator under Lowgang Gram Panchayat and subsequently, the petitioner has raised his grievances before the

concerned authorities but he did not get any positive response from their end.

8. However, this court is of the opinion that the Block Development Officer, respondent no. 4 herein, in consultation with the Gram Panchayat shall examine the matter of the petitioner and resolve the same with regard to the payment of any back wages, if the petitioner is entitled to. The entire exercise shall be completed within 3 (three) months from the date of passing of this order. The petitioner is at liberty to file appropriate representation before the Block Development Officer, respondent no. 4 herein, with supporting document/ evidence, if any in support of his claim, and the said representation, if so filed, shall be disposed of by the Block Development Officer within a period of 3 (three) months from the date of receipt of the representation by a speaking order with regard to entitlement of back wages of the petitioners. Accordingly, the order dated 01.10.2020 passed by the learned single Judge is interfered with as indicated above.

9. The writ appeal stands disposed of. Interim application(s), if any, also stand disposed of.

JUDGE

CHIEF JUSTICE (ACTING)