

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.175/2023

Sri Shib Sankar Datta

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. Biswanath Majumder, Advocate.

For Respondent(s) : Mr. A.K. Deb, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

31/03/2023

Heard Mr. Biswanath Majumder, learned counsel appearing for the petitioner. Also heard Mr. A.K. Deb, learned counsel appearing for the respondents.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to comply with the order dated 23.05.2022 passed by this Court in WP(C) No.715 of 2021.

3. Petitioner has prayed for the following reliefs:

"(i) Admit this petition.

(ii) Issue Notice upon the respondents to show cause as to why a writ of mandamus directing/mandating the respondents to comply with the order dated 23.05.2022, passed by this Hon'ble Court in case no. WP(C) 715 of 2021, and allow the petitioner to join into the service w.e.f. 09.09.2020, be not issued.

(iii) Call for the records relating to case no. WP(C) 715 of 2021 from the Hon'ble High Court of Tripura.

(iv) Cost of an incidental thereto.

(v) And/or pass any Order/Orders direction/directions Relief/Reliefs as your Lordship may deem fit and proper.”

4. The case of the petitioner, in brief, is that the petitioner was serving as Constable of Police in the Traffic Unit under the Department of Home Affairs, Government of Tripura and while in service, a disciplinary proceeding was initiated against him and was put under compulsory retirement from service vide order dated 09.09.2020 due to the charge of willful absence from duty without valid permission from the authority. Petitioner challenged the said order by preferring departmental appeal which was also dismissed by the appellate authority. Being dissatisfied with these orders, petitioner filed a writ petition being WP(C) No.715 of 2021 before this Court and the learned Single Judge vide order dated 23.05.2022 disposed of the said petition by remanding back the matter directing the respondents to pass fresh order within two months on filing of representation by the petitioner, but

the respondent-authority did not comply with the said order. Aggrieved thereby, the petitioner has approached this Court by filing this writ petition. Hence, this case.

5. On perusal of the record, it is apparent that on 10.08.2022 petitioner has submitted a representation before the disciplinary authority for accepting his joining in service. But the Superintendent of Police (Traffic) being the disciplinary authority by a communication dated 18.08.2022 informed the petitioner to submit his representation according to the order of the Hon'ble High Court and on submission of the same, the respondent authority will issue an order based on the order of the Hon'ble High Court. On perusal of the said letter dated 18.08.2022, this Court finds that this is only a communication by the respondents directing the petitioner to file a representation in the light of the judgment passed by this Court on 23.05.2022 to which the petitioner has not filed any representation and accordingly, a reminder dated 18.08.2022 is made by the respondent addressed to the petitioner. This Court finds that there is no reason how the petitioner is aggrieved by the said communication.

6. Accordingly, the writ petition is dismissed. The petitioner is at liberty to comply with the proceedings dated 18.08.2022, if so advised.

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

CHIEF JUSTICE (ACTING)

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सत्यमेव जयते