

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.214 of 2022**

1. Smt. Sima Das, daughter of Late P.C. Das, resident of Sandhani, Kadamtali, Thakurpalli Road, Krishnanagar, P.O-Agartala, P.S-West Agartala, District – West Tripura, Pin-799001.

2. Sri Syamal Baidya, son of Late Gopika Rn. Baidya, resident of Sreenagar, Road No.6, Milanchakra, PO & PS - AD Nagar, District - West Tripura, Pin – 799003.

.....Petitioner(s)

**V E R S U S**

1. The State of Tripura, represented by the Commissioner and Secretary to the Power Department, Government of Tripura, New Secretariat Complex, Agartala, PO - Kunjaban, PS - New Capital Complex, Sub-Division - Sadar, District - West Tripura.

2. The Commissioner & Secretary, Power Department, Government of Tripura, New Secretariat Complex, Agartala, PO - Kunjaban, PS - New Capital Complex, Sub-Division - Sadar, District - West Tripura.

3. The Tripura State Electricity Corporation Ltd. represented by the Managing Director, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, PS - East Agartala, District - West Tripura.

4. The Managing Director, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, PS - East Agartala, District - West Tripura.

5. The Managing Director-In-Charge, Tripura state Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, PS - East Agartala, District - West Tripura.

.....Official Respondent(s).

6. Sri. Nirupam Guha, son of not known, serving as Additional General Manager-In-Charge in the Office of the Additional General Manager, Transmission Circle, TSECL, 79 Tilla, PO - Kathalbagan, PS - NCC, District - West Tripura, Pin - 799010.

7. Sri. Pradip Sutradhar, son of not known, serving as Additional General Manager-In-Charge in the Office of the Additional General Manager, Electrical Circle, TSECL, Sepahijala, PO and PS - Bishramganj, District - Sepahijala Tripura, Pin – 799103

8. Smt. Swati Chattarjee, daughter of not known, serving as Additional General Manager-in-Charge in the Office of the Additional General Manager, Electrical Circle, TSECL, Gomati, Banduar, PO and PS - R.K Pur, District - Gomati Tripura, Pin – 799120.

9. Sri. Kanti De, son of not known, serving as Additional General Manager-in-Charge in the Office of the Additional General Manager, Electrical Circle,

TSECL, South Tripura, PO and PS - Belonia, District - South Tripura, Pin – 799155.

10. Sri Gopesh Ghosh, son of not known, serving as Additional General Manager-in-Charge in the Office of the Additional General Manager, Electrical Circle, TSECL, Dharmanagar, PO & PS – Dharmanagar, District- North Tripura, Pin-799250.

.....Private Respondent(s).

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For Petitioner(s) : Mr. Koomar Chakraborty, Advocate.

For Respondent(s) : Mr. T.D. Majumder, Sr. Advocate,  
Mr. D. Bhattacharya, G.A.,  
Mr. N. Majumder, Advocate,  
Mr. Rajib Saha, Advocate,  
Mr. T. Halam, Advocate.

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Date of Judgment & Order: 05.07.2023

Whether Fit for Reporting: YES

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**JUDGMENT AND ORDER (ORAL)**

Heard learned counsel for the parties.

2. Petitioners have approached this Court being aggrieved by the office orders dated 8<sup>th</sup> February, 2022 and 18<sup>th</sup> February, 2022 (Annexure – 12 and 13 respectively) by which private respondents were made In-charge of the post of Additional General Manager (AGM, for short), Tripura State Electricity Corporation Limited (TSECL, for short), Government of Tripura. Petitioners contended that as per the final seniority list dated 5<sup>th</sup> October, 2021, they were seniors.

3. Mr. N. Majumder, learned counsel has appeared for the respondents No.3 to 5- officials of TSECL and filed counter-affidavit. Mr. T.D. Majumder, learned senior counsel have appeared for the private respondents and filed counter-affidavit. In substance, the stand of the respondent-TSECL at paragraph 3 to 5 of their counter-affidavit is that none

of the legal or fundamental rights of the petitioners are infringed since the private respondents have only been made in-charge of the post AGM, TSECL.

4. Mr. T.D. Majumder, learned senior counsel for the private respondents submits that in that capacity no seniority vis-à-vis the petitioners and the private respondents is either going to be affected. They are also not being paid any honorarium for that post.

5. It is further pointed out by learned counsel for the petitioners that petitioners herein were also offered the same post of AGM-in-charge, TSECL and petitioner No. 1 has rejected the offer while the petitioner No.2 has accepted the offer and joined in the post but after filing of the writ petition.

6. It is, therefore, appears that the instant arrangements of in-charge capacity to the private respondents and petitioners do not affect any legal or fundamental rights of the parties since neither they are holding substantive post of AGM, TSECL nor they have been promoted on substantive or *ad hoc* capacity to that post and, moreover, the arrangement is only to ensure that functioning of the department does not suffer in the absence of the regular incumbent. During pendency of the writ petition, even the petitioners have been offered the same in-charge post of AGM, TSECL to which petitioner No.2 has accepted and joined while petitioner No.1 has refused to join. As such, no legal issue remains to be decided in the instant writ petition.

7. Learned counsel for the petitioners, at the end, submits that petitioners bear the apprehension that the private respondents who were given the in-charge post of AGM, TSECL by the impugned order dated 8<sup>th</sup> February, 2022 and 18<sup>th</sup> February, 2022 (Annexure 12 and 13 respectively), would have written the ACRs of the present petitioners though they are of the same rank but serving in the in-charge capacity from before.

8. Learned counsel for the TSECL and private respondents both, however, dispel this apprehension.

9. It is also true that ACRs are written at the end of the year. Petitioners have already been offered the in-charge capacity at the end of the year 2022 and there would be no occasion for writing of the ACRs by the private respondents ordinarily before the end of the reckoning period ending 31<sup>st</sup> March. Otherwise also ACRs are written by the Reporting Officer who are senior in substantive capacity to their subordinate. Such apprehension of the petitioners also, therefore, appears to be misplaced.

10. Having regard to the discussions made hereinabove, the instant litigation deserves to attain a quietus as no particular lis seems to be involved herein. Accordingly, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

**(APARESH KUMAR SINGH), CJ**