

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.245 of 2022

Sri Soumen Bhattacharjee,
Son of Late Sudhir Kumar Bhattacharjee,
Resident of 16/3 Old Kalibari Lane,
Krishnanagar, P.S-West Agartala,
District-West Tripura, Pin-799001

....Petitioner(s)

Versus

1. The State of Tripura

To be represented by the Secretary, G.A (Printing & Stationery) Department, Government of Tripura,
Secretariat Building, New Capital Complex,
Kunjaban, Agartala, West Tripura, Pin-799010

2. The Director,

G.A (Printing & Stationery) Department, Government
of Tripura, Tripura Govt. Press, Bardowali, P.S-A.D
Nagar, Pin-799003

3. The Manager,

Tripura Govt. Press, Agartala, Bardowali, P.S-A.D
Nagar, Pin-799003

4. Sri Sudeb Datta Chaudhuri,

Superintendent of Press (I/C),
Tripura Govt. Press. G.A (Printing & Stationery)
Department, Bardowali, P.S-A.D Nagar, Pin-799003.

....Respondent(s)

For the Petitioner(s) : Mr. N. Chowdhury, Advocate

For the Respondent(s) : Mr. R. Saha, Advocate

Date of hearing and
delivery of
judgment & order : **10/04/2023**

Whether fit for reporting : **No**

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment and Order (Oral)

Heard Mr. N. Chowdhury, learned counsel appearing for the petitioner. Also heard Mr. R. Saha, learned counsel appearing for respondents-State.

2. It is the case of the petitioner that he was first appointed in the post of Chargeman, Metal Printer-Cum-Retouching under the respondents in the year 1988. Thereafter, he was promoted to the post of Chargeman (DTP) in the year 1999 and lastly, he was promoted to the post of Foreman(DTP) in the year 2014. While he was discharging his duties as Foreman under the respondents, he was implicated with a criminal case and the respondents concerned suspended him. Subsequently, the said suspension order was revoked. The petitioner was acquitted by the criminal court from the charge leveled against him.

3. Thereafter, the competent authority of the respondents had passed the following order dated 22nd December, 2021:

"No.F.3(11)-PTG/88/7154-59

GOVERNMENT OF TRIPURA

GA(PRINTING AND STATIONERY)DEPARTMENT

Dated, Agartala, the 22nd December, 2021

ORDER

WHEREAS vide Order No.F.3(11)-PTG/88/9922-26 dated 29-03-2019, Shri Soumen Bhattacharjee, Foreman(DTP) was suspended with effect from the 26th March, 2019 in terms of sub-rule(2) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965 on the basis of the report of the Deputy SP(CAW), West Tripura, Agartala I/O of the PS Case No.2019/WAG/057 dated 26-03-2019 that Shri Soumen Bhattacharjee, Foreman(DTP) Tripura Government Press under GA(Printing and Stationery) Department attached with Office of the Secretary, GA(Printing and Stationery) Department was arrested on 26-03-2019 on the basis of strong evidence in c/w West Agartala PS Case No.2019/WAG/057 dated 26-03-2019, U/S-420 IPC, Section 7 of Prevention of

Corruption Act 1988 r/w Section 8 and 13 of prevention of corruption Act 1988 and on 27-03-2019 the A/P Shri Soumen Bhattacharjee was forwarded to the Ld. Court of District & Session Judge's Court, West Tripura Agartala and he is in Jail Coustody(Bishalgarh).

AND WHEREAS vide Order No.F.3(11)-PTG/88/2850-57 dated 31-08-2020 in exercise of the Power Conferred by Clause© of sub-rule (5) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965 the said suspension order was revokes with immediate effect subject to the result of pending investigation and final judgment outcome which will be available from the Hon'ble Ld. Court.

AND WHEREAS in the order of Criminal Case bearing No.PRC(WP) 548 of 2021 the Ld. Chief Judicial Magistrate West Tripura Agartala on perusal of the evidence adduced by the prosecution do not find any incriminating material/circumstance against the accused persons namely Shri Soumen Bhattacharjee and hereby acquitted from the charges leveled against him.

NOW THEREFORE, the undersigned(Disciplinary Authority) as per sub rule(6) of FR 54B the suspension period of Shri Soumen Bhattacharjee, Foreman(DTP) is hereby treated as spent on duty for all purpose and he will be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended subject to adjustment in respect of subsistence allowance already paid.

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(S. Mog)
Director,
(Disciplinary Authority)
GA(Printing and Stationery) Department "*

4. In the aforesaid order, it is clearly stated that the suspension period of the petitioner shall be treated as *spent on duty for all purpose and the petitioner would be paid full pay and allowances for that period to which he would have been entitled had he not been suspended.*

5. Mr. Chowdhury, learned counsel for the petitioner has submitted that none of the reliefs as revealed in the said order dated 22nd December, 2021 has been provided to him till today. Moreover, the petitioner is entitled to promotion to the post of Superintendent as he is eligible in all respects to get promoted to the said post. According to the petitioner, the

respondent no.4 is a retired employee and he has been re-appointed in the post of Superintendent most illegally and arbitrarily.

6. Mr. Chowdhury, learned counsel has submitted that at present, the petitioner is the senior most Foreman under the respondents. As such, he should be promoted to the post of Superintendent instead of respondent no.4.

7. On the other hand, Mr. Saha, learned counsel has drawn my attention to the statements made in the counter affidavit that the post of Foreman(DTP) is not the feeder post of Superintendent as per Recruitment Rules dated 30th June, 1989.

8. In the course of argument, Mr. Chowdhury, learned counsel has placed before this Court a notification dated 28th November, 2022 published in Tripura Official Gazette which is called as *Superintendent of Press of GA(Printing and Stationery) Department Recruitment Rules, year 2022*. In the Schedule of the said Recruitment Rules, the method of recruitment to the post of Superintendent of Press has been prescribed. It is stated that the post of Superintendent of Press will be filled up by promotion failing which by direct recruitment. At Clause 11 of the said Recruitment Rules dated 28th November, 2022, it is clearly stated that in case of recruitment by promotion the feeder posts are from the combined seniority list of Foreman(Binding)/ Foreman(Offset)/ Foreman(Offset Process)/ Foreman(Electrical)/ Foreman(Mechanical)/ Foreman(DTP)/ Section Holder/ Head Computer and Head Reader having 5(five) years service in the grade.

9. Mr. Chowdhury, learned counsel has submitted that from the draft seniority list published vide memorandum dated 7th December, 2022, the petitioner is found to be eligible since his name has appeared at serial no.2. Learned counsel for the petitioner has further submitted that there are 3(three) vacant posts of Superintendent under the respondents.

10. I have considered the submissions advanced by the learned counsel appearing for the parties and perused the records as noted here-in-above. Mr. Saha, learned counsel has relied upon the Recruitment Rules that was framed in the year 1989 to fill up the post of Superintendent. Most recently, the respondents has changed the recruitment rules to fill up the posts of Superintendent where one of the feeder post is Foreman(DTP).

11. In view of this, the petitioner is entitled and eligible to be considered for promotion to the post of Superintendent.

12. Accordingly, I direct the respondents to provide all service benefits to the petitioner in terms of the order dated 22nd December, 2021(Annexure-9 to the writ petition) issued by the competent authority of the respondents and consider the promotion of the petitioner to the post of Superintendent.

The entire process shall be completed within a period of 3(three) months from today.

13. With the aforesaid observations and discussions, the instant writ petition stands allowed and disposed of.

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

JUDGE