

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 308 of 2022

Sri Sunil Baran Das

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Appellant(s)	: Mr. P Roy Barman, Sr. Adv. Mr. A. Debbarma, Adv.
For Respondent(s)	: Mr. D. Bhattacharjee, GA.
Date of hearing and date of judgment and order	: 23.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India filed by the petitioner for quashing and cancelling the order dated 27.08.2021 issued by the Principal Secretary, GA(AR) Department, Govt. of Tripura.

[2] It is the case of the petitioner that he was in Tripura Civil Service and he has retired from service on superannuation on 28.02.2012 (A/N) while holding the post of Deputy Collector. He has challenged the order dated 04.05.2020, passed by the Disciplinary Authority imposing penalty of deduction of pension by 7% from the date of retirement. The petitioner has also challenged the letter dated 27.08.2021 issued by the Deputy Secretary, Govt. of Tripura, whereby the petitioner has informed that his appeal dated 20.01.2021 cannot be considered on the ground that the disciplinary authority has passed a reasoned order.

[3] Being aggrieved, by means of this writ petition, the petitioner herein has approached this court seeking relief *inter-alia*.

- (i) Issue Rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the letter dated 27.08.2021 issued by Dy. Secretary, Govt. of Tripura.
- (ii) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and or direction/directions of like nature shall not be issued whereby quashing and cancelling the order dated 04.05.2020 issued by the Principal Secretary, GA(AR) Department Govt. of Tripura, i.e. the Disciplinary Authority.

- (iii) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders or direction/directions of like nature shall not be issued whereby quashing and cancelling the memorandum dated 21.03.2021 issued by the Principal Secretary, GA(AR) Department, i.e. the Disciplinary Authority by which disciplinary proceeding was initiated against the petitioner.
- (iv) Pass an interim order, restraining the respondents from giving effect to the impugned order dated 06.03.2020 by which 7% deduction from the pension of the petitioner is ordered.

[4] Heard Mr. P Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned GA appearing for the respondents.

[5] Having perused the entire records and also without expressing any opinion on the merits of the case, this court is remanding back the case to the Chief Secretary, Govt. of Tripura-respondents. The respondents are directed to decide the matter afresh in accordance with law after giving an opportunity of personal hearing to the petitioner. It is needless to mention here that the said exercise of the respondents shall be done within a period of three months from the date of receipt of copy of this order.

[6] With the above observation and direction, this present writ petition stands allowed and thus disposed of setting aside the impugned order dated 27.08.2021 issued by the Dy. Secretary to the Government of Tripura. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE