

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 293 of 2023

Dr. Suvakanta Dash

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner (s) : Mr. A. Bhowmik, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

11.12.2023

This is a petition under Article 226 of the Constitution of India for seeking the following reliefs:

- (i) *Issue Rule upon the respondents.*
- (ii) *Call for the records.*
- (iii) *Issue rule calling upon the respondents to showcase as to why a writ of mandamus or any other appropriate writ mandating the Respondent No.2 to dispose of the appeal filed by the petitioner on 09.03.2023 within a timeline shall be issued.*

And

Issue Rule calling upon the respondent to show cause as to why the order dated 18.03.2023 whereby the respondent No.5 has issued direction to the Drawing and Disbursing Officer, RISPAT college to carry out recovery from the salary of the petitioner w.e.f. the month of March, 2023 shall not be set aside the quashed.

And

Issue rule calling upon the respondents to show cause as to why a Writ of prohibition restraining the respondents from carrying out any recovery from the salary of the petitioner shall not be issued till disposal of the appeal filed by the petitioner on 09.03.2023 before the respondent No.2.

And

Issue rule calling upon the respondent to show cause as to why the amount already deducted from the salary of the petitioner shall not be refunded to the petitioner.

- (iv) *And after hearing the parties, be pleased to make the Rule absolute.*

And

In the interim be pleased to restrain the respondents from carrying out any further recovery from the salary of the petitioner till disposal of the appeal filed by the petitioner on 09.03.2023.

[2] It is the case of the petitioner that the petitioner is serving as Principal of RIPSAT. The petitioner was appointed by way of direct recruitment through selection process conducted by the TPSC in the year 2017. Till date the petitioner has served in the capacity of Principal, RIPSAT for about 5 years. The Petitioner highlights that while the petitioner was discharging his duty and responsibility as Principal, RIPSAT vide memorandum dated 08/02/2023 the petitioner was suddenly issued show cause notice for recovery of an amount of Rs.74,200/- from the salary of the petitioner. In the said memorandum dated 08.02.2023 it was alleged that the petitioner being the Chairman of advisory committee of B.Pharm (Practice) course appointed himself and Dr. Tejendra Bhakta, lecturer and another committee member as guest faculty of B.Pharm (Practice) course run by RIPSAT on remuneration of Rs.700/- per lecture. On 13/02/2023, the petitioner submitted the reply to the memorandum dated 08/02/2023 and in the said reply dated 13/02/2023 the petitioner stated that the advisory committee was constituted by the Health and Family welfare Department, Government of Tripura, vide memorandum No.9(9)- RIPSAT/B.Pharm (Practice)/2019-20 dated 19/06/2020. Therefore, the allegation that the petitioner appointed himself is not correct. The petitioner highlights that the advisory committee was constituted vide memorandum dated 19/06/2020 issued by the Under Secretary, Govt. of Tripura to decide the admission and other related processes to run the B.Pharm (Practice) Course in RIPSAT College. On 23.02.2023 the Deputy Secretary, Health and Family Welfare Department, Govt. of Tripura issued memorandum directing recovery of an amount of Rs.74,200/- from

the salary of the petitioner in 5 equal monthly instalments w.e.f the month of March, 2023. The petitioner has preferred appeal before the appellate authority i.e. the Chief Secretary, The State of Tripura (respondent No.2 herein) on 09.03.2023. The petitioner states that the he prays for a direction upon the respondent No.2 to dispose of the appeal filed by the petitioner within a timeline and further prays for setting aside memo dated 18.03.2023 whereby the respondent No.5 has issued directions for recovery from the salary of the petitioner to the DDO of RIPSAT during pendency of the appeal. The Petitioner further prays for refund of any amount deducted from the salary of the Petitioner. Hence, this Writ Petition.

[3] On the contrary, Mr. D. Sharma, learned Addl.GA appearing for the respondents have submitted before this court that the memorandum dated 23.02.2023 is just and proper and it does not need interference of this court. He further prays for dismissing the writ petition.

[4] Heard learned counsel for the parties.

[5] It is evident from the record that the advisory committee was constituted vide memorandum dated 19.06.2020 issued by the Under Secretary, Govt. of Tripura to decide the admission and other related processes to run the B. Pharm (Practice) Course in RIPSAT College. Thereafter, the advisory committee held its meeting on 31st August, 2020 and in the said meeting it was decided that the classes will be held on Saturday and Sunday as per approval of the Government of Tripura and remuneration of each lecture shall be Rs.700/-(Rupees Seven hundred)only . Vide memorandum dated 15.01.2021 the faculties/persons for teaching different subjects on

Saturday and Sunday was allotted. The same was approved by the Principal Secretary, Government of Tripura vide U.O No.164 dated 23.10.2020. Accordingly, as per approval of the government the classes were allocated to the faculty members. There was no illegality or irregularity in the process.

[6] Having perused the entire record and also having considered the submissions as advanced by the counsel for the parties, this court is of the view that the petitioner acted upon in pursuance to the meeting held on 31st August, 2020 by the advisory committee where it was decided that the classes will be held on Saturday and Sunday as per approval of the Government of Tripura and remuneration of each lecture shall be Rs.700/-(Rupees Seven hundred)only. Further, the faculties/persons for teaching different subjects on Saturday and Sunday was allotted vide memorandum dated 15.01.2021. It is further evident from the record that it is the respondents who recruited the petitioner for performing additional duty as Guest Faculty of B. Pharm(Practice) at the remuneration of Rs.700/- per lecture apart from his own original responsibility as Principal, RIPSAT. The petitioner seems to have rendered his service owing to the directions given by the respondents. The respondents, having deployed the petitioner for such additional work as Guest Faculty cannot stop extending the monetary benefits that has already been extended to the petitioner. The petitioner's involvement as Guest Faculty was purely done on the basis of the memorandum dated 19.06.2020 issued by the Under Secretary, Govt. of Tripura to decide the admission and other related processes to run the B. Pharm (Practice) Course in RIPSAT College. Therefore, this court is of the

view that the respondents have not applied their mind in issuing the impugned memorandum dated 23.02.2023 and the same is liable to be set aside. Accordingly, the said impugned memorandum dated 23.02.2023 stands set aside. The amount of Rs.74,200/-, if already deducted from the petitioner's account, shall be reimbursed to him by the respondents within a period of two months from the date of receipt of the copy of this order.

[7] With the above observation and direction, this present writ petition stands allowed setting aside the impugned memorandum dated 23.02.2023. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.



JUDGE

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