

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 305/2023

Akhil Das

..... **Petitioner(s)**

Versus

Union of India and 2 others

..... **Respondent(s)**

For Petitioner(s) : Mr. P.K. Biswas, Sr. Adv.
Mr. Rishiraj Nath, Adv.
Mr. Pujan Biswas, Adv.

For Respondent(s) : Mr. B. Majumder, Deputy SGI.

Date of hearing and
delivery of judgment
and order : 19.05.2023.

Whether fit for reporting : Yes/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 petitioners.

[2] It is the case of the petitioner that the petitioner during the span of his service i.e. from 22.03.2001, had been serving the department concerned and during the period of his casual leave w.e.f. 05.04.2017 to 25.04.2017, he was arrested in connection with FIR No.2017/TLM/0012 dated 07.04.2017 alleging murder of his wife. Subsequently basing on the complaint, the petitioner was put under suspension by the respondent no.3 w.e.f. 07.04.2017. After obtaining bail, the petitioner intimated the matter to respondent no.3 and his order of suspension was revoked by the respondent no.3. During the course of trial, the petitioner was on leave and after conclusion of trial he was convicted for life and was detained in jail due to which the petitioner could not respond to the communications made to him by the respondent no.3. Subsequently, thereafter, by order dated 28.06.2021 passed by the respondent no.3, the petitioner was dismissed from his service. Being aggrieved of the order of sentence, the petitioner approached this High Court and this Court had acquitted the petitioner from

the charges leveled against him. Thereafter, the petitioner submitted representation to the respondent no.3 to revoke the order of dismissal dated 28.06.2021 and prayed to reinstate him into his service, but till date, the respondents did not address to the grievance of the petitioner.

[3] Being aggrieved, the petitioner has approached this Court for the following reliefs:

(i) Admit the instant writ petition.

(ii) Call for the records relevant from the custody of the respondents.

(iii) Issue rule calling upon the respondents and each of them, to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, for transmitting the records, lying with the respondents, for rendering substantive and conscionable justice to the petitioner and for quashing/setting aside the impugned final punishment order dated 25.11.2019.

(iv) Issue rule calling upon the respondents and each of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, for mandating/directing the respondents to revoke/rescind the impugned final dismissal order dated 28.06.2021 (Annexure 1 to the writ petition) issued by the respondent no.3 and further to direct the respondents to reinstate the petitioner into his service regularizing the absence of the petitioner w.e.f. 20.12.2020 and also by way of leave.

(v) Issue rule calling upon the respondents and each of them to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued for directing the respondents to regularize the pay and allowances of the petitioner from the date of his dismissal i.e. 18.12.2020 till date and also to pay the annual increments payable to the petitioner.

[4] Heard Mr. P.K. Biswas, learned senior counsel assisted by Mr. Pujan Biswas, learned counsel and Mr. Rishiraj Nath, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the respondent(s).

[5] Mr. P.K. Biswas, learned senior counsel appearing for the petitioner contended that the allegations made against the petitioner in case no. ST(T-1) 06 of 2018 before the court below was ended up punishing the petitioner herein. The same was challenged and contested before this Court in CRL. A.(J) 57 of 2020 and subsequently, the Court by order dated 20.07.2022 allowed the appeal as the said allegations brought against the petitioner were not proved. The same was admitted on merits and since the case had ended

in acquittal, accordingly, the petitioner is entitled for reinstatement. It is also evident from the records that he (petitioner) had made a representation before the respondent(s) and no steps has yet been taken from their end. Aggrieved thereby, the instant writ petition has been filed before this Court.

Mr. B. Majumder, learned Deputy SGI appearing for the Union respondents on the other hand contended that the case of the petitioner is not entitled to be considered for reinstatement as the criminal and civil proceedings are different in nature and it is not a matter of right that once the case of the petitioner ends in acquittal, he becomes entitled for reinstatement. Hence, the case may be dismissed and it is not a case for admission also.

[6] In view of the said submission, this Court, without expressing any opinion on the merit of the case, disposes of the writ petition directing the respondents to consider the case of the petitioner in the light of the representation submitted on 05.09.2022 before the respondent(s) as expeditiously as possible preferably within a period of 3 (three) months from the date of receipt of the copy of this order. The petitioner is at liberty to provide relevant judgment(s) to the respondents, if he feels that it is in his favour.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

