

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.332 of 2023

Sri Montosh Roy

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s)	:	Ms. R. Purkayastha, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

29/05/2023

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

Under impugned memo. dated 12.05.2023, the Block Development Officer, Jubarajnagar RD Block, North Tripura imposed a penalty of recovery of Rs.1,96,069/- and Rs.13,14,082 from the petitioner. The petitioner has challenged the recovery of the aforesaid amount with the plea that the said impugned memo has been issued without initiating any disciplinary proceeding.

Ms. Purkayastha, learned counsel for the petitioner has drawn my attention to the said memo. dated 12.05.2023.

I have perused the memo. and the charge thereunder. For convenience, the said memo. dated 12.05.2023 may be reproduced hereunder.

**“GOVERNMENT OF TRIPURA
OFFICE OF THE BLOCK DEVELOPMENT OFFICER
JUBARAJNAGAR R.D. BLOCK: NORTH TRIPURA
DISTRICT**

No.809-11/F.8(40)/BDO/JBN/PANCH/2023-24,

Dated Huplong

The 12/05/2023

MEMO

Whereas, Instructions were given to Shri Montosh Roy, P/S for recovery of an amount of Rs.196069/- and Rs/1314082 vide memo no. F.No 8(5)/BDO/JBN/PANCH/CORRESS/255-256 dated 17/04/2023 & memo no.F.No 8(5)/BDO/JBN/PANCH/CORRESS/385-387 dated 26/04/2023 within 1(one) week of receipt of the orders.

And

Whereas, In response, Sri Montosh Roy, PS instead of making recovery of the amounts submitted a reply for not recovering the amount and made a prayer for accepting his reply.

And

Whereas, to get a vivid picture of the issues as submitted in the reply of Sri Montosh Roy, PS and to know the view of both the officials related to this reply, the other official Sri Barun Datta, PS were summoned vide no 717-19/F.8(40)/BDO/JBN/PANCH/2021-22 dated 08/05/2023, heard his view on the issue and taken his statement.

And

Whereas, after hearing the views of both officials and after scrutinizing associated/ related documents this office has come to a conclusion of regretting the prayer of Sri Montosh Roy, P/S. The grounds that mainly attributed for rejection of the prayer are as follows:-

That, Charge transfer of Sri Montosh Roy, P/S to Sri Barun Datta P/S seemed to be incomplete as there are missing documents in most of the case records of the works (e.g. Estimate copy, work order, field book/MB with phase wise measurement and signature of supervising officer, monitoring committee report, 3 stage photo of the works etc).

The absence of crucial reports, project files or financial records could significantly hinder the incoming officials ability to understand the current status and effectively carry out his duties.

That, from the charge handover documents submitted by Sri Montosh Roy, PS in reply of recovery orders, it is found that there is lack of knowledge transfer as Sri Montosh Roy, PS, the outgoing officer, has not provided adequate briefing or guidance to the

incoming officer Sri Barun Datta, PS. Sri Montosh Roy only handed over some files to the incoming officer without mentioning the contents of the files.

It is quite difficult for the incoming official to know during charge taking over as what exactly is there inside the files and whether the file contains all the relevant documents of a particular work like estimate, work order, relevant adjustments of works etc.

That, it seems that the charge handover note is incomplete as the handover note prepared by the outgoing official should provide a comprehensive preview of the pending tasks and any other relevant documents.

As the handover note is incomplete/lacks important details the incoming official might struggle to grasp the current state of affairs.

That, it also seemed that there is lack of follow up and support on the part of outgoing official Sri Montosh Roy and because of which incomplete documentation of case records could not be corrected by the incoming official Sri Barun Datta.

That, in reply of recovery order in some instances Sri Montosh Roy, P/S submitted declaration of Pradhan regarding site change of the work. Here it is mention that if any site change of work is done, then there must be corrigendum of work order and Panchayat resolution regarding change of site not declaration of Panchayat Pradhan.

That, in some instances Sri Montosh Roy, P/S submitted declaration of Pradhan regarding completion of work, which is not the norm.

For completion of the work, the work should have shown complete in field book/MB with signature of supervising officer and monitoring committee certificate should be there. In this case, both of these have not been provided.

That overall there found a tendency of shifting the burden of misappropriation by Sri Montosh Roy, P/S to the incoming officer just producing 01 mere copy of file name that handed over to the incoming officer.

As, the inadequate record keeping improper handling of documents or lack of appropriate safe guard to ensure the integrity of records amounts to Negligence, Breach of duty and misconduct, hence the previous two orders of recovery shall prevail and Sri Montosh Roy, P/S once again directed to recover the amounts as mentioned within 7(seven) days else action shall be taken as per law.

-Sd illegible

*Dr. Abhijit Das, TCS Gr-II
Block Development Officer
Jubarajnagar RD Block: North Tripura”*

From the aforesaid memo., it comes to fore that the nature of acquisitions made against the petitioner are required to be inquired which is not possible only by recording statements of Sri Barun Datta. Whether the charge of Panchayat Secretary has been properly handed over or not by the petitioner to Sri Barun Datta, is necessary to be inquired in detail which apparently is absent in the preliminary inquiry done by the Block Development Officer, Jubarajnagar RD Block, North Tripura.

In view of this, I set aside the impugned memo. dated 12.05.2023 whereby and whereunder recovery of the aforesaid amount has been made. However, the respondents are given liberty to initiate a full-fledged disciplinary proceeding against the petitioner, if they so desire.

With the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE



सत्यमेव जयते