

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.462 of 2022**

Shibu Limbu

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

Vs.

The Union of India and ors.

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

For the Petitioner(s) : Mr. K.D. Singha, Advocate.

For the Respondent(s) : Mr. B. Majumder, CGC

Date of hearing and delivery of
Judgment & Order : 24.08.2023.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
JUDGMENT AND ORDER(ORAL)**

This present application has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"i. Certiorari shall not be issued setting aside and quashing the impugned Order dated 18.10.2021 whereby the service of the petitioner is terminated by way of dismissal, and

ii. Certiorari shall not be issued setting aside and quashing the impugned Order dated 09.03.2022 of the Appellate Authority rejecting the appeal of the petitioner, and,

iii. Mandamus shall not be issued directing the respondents to reinstate the petitioner in service with all pay and allowances as it existed at the time of passing of the impugned order and thereafter, to allow the petitioner to retire from service with all pension and retirement benefits as the age of the petitioner is now completed 60 years which is the retirement age in Assam Rifle and

iv. Mandamus directing the respondents to keep the impugned orders in abeyance till disposal of the present petition and upon such causes shown be pleased to make the Rule absolute and/or pass such further order and and/or direction as Your Lordships may deem fit and proper in the interest of Justice.

AND

Pending disposal of the writ petition. Your Lordship may pleased to pass an order in the interim staying/suspending the operation of the impugned Order dated 18.10.2021 and 09.03.2022."

2. Heard Mr. K.D. Singha, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned CGC appearing for the respondents-Union of India.

3. Mr. K.D. Singha, learned counsel appearing for the petitioner submits that respondents committed arbitrary, unreasonable, high-handed, and malafide action against the petitioner herein by dismissing him from service vide order dated 18.10.2021 on the ground of misconduct without proper inquiry/trial and urged this Court to allow this appeal and quash the impugned order.

4. Heard both sides and perused the evidence on record.

5. In a petition filed under Article 226 of the Constitution of India, procedural irregularities and violation of legal provision are to be highlighted, but on the point of factual aspects and other issues, the same cannot be appreciated. For that aspect, disciplinary authority and appellate authority are there but the petitioner has crossed all those limits. Further, the petitioner herein has been given an opportunity by way of cross-examination by the respondents in the form of question head, but the petitioner did not choose to take the opportunity. As such, this Court is of the opinion that the petitioner side has failed to make out the case, and accordingly, this present writ petition stands dismissed.

6. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

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SUHANJIT
SINGHA

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