

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 396 of 2023

Sri Tapas Deb, TPS (GR-II)

---Petitioner(s)

Versus

The State of Tripura and Anr.

---Respondent(s)

For Petitioner(s)	: Mr. D. K. Daschoudhury, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl.GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

23.11.2023

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

- (i) *Issue notice upon the respondents;*
- (ii) *Issue rule directing each of the respondents to show cause as to why the petitioner shall not be furnished with inquiry report submitted by the Inquiry Authority.*
- (iii) *Issue Rule directing each of the respondents to show cause as to why the order No.F.11(42)-GA(AR)/2020/55-560 dated 15.05.2023 of the respondent NO.2 appointing Dr. Sandip R Rathod, IAS, Secretary, RD etc to re-enquire into the charges framed against the petitioner shall not be quashed.*
- (iv) *Issue rule directing each of the respondents to show cause as to why the disciplinary proceedings brought against the petitioner under memorandum no.F.11(42)-GA(AR)/2020/153-57 dated 20.01.2022 of respondent No.2 shall not be dropped accepting the report of enquiry submitted by the Inquiry authority*
- (v) *After due consideration of the hearing of both sides make the rules mentioned in item No.(ii), (iii) and (iv) absolute;*

The case of the petitioner is that he is a member of the Tripura Police Service (Grade-II)- 2004 cadre, and now posted as the Assistant Commandant in the 13th Battaliion, Kanchanpur North Tripura, Tripura under the Directorate of Police, Tripura.

A disciplinary proceedings against the petitioner was drawn up vide memorandum No.F.11(42)-GA(AR)/2020/153-57 dated

20.01.2022 of the respondent No.2. Under order No.F.11(42)-GA(AR)/2020/899-904 dated 31.05.2022, the respondent No.2 appointed the Commissioner of Departmental Inquiries, government of Tripura (A Retired District Judge) as Inquiring Authority to enquire into the charges framed against the petitioner.

Learned Commissioner of the inquiring authority concluded his inquiry on 28.10.2022. The respondent No.2 being the Disciplinary Authority under his order NO.F.11(42)-GA(AR)/2020/556-560 dated 15.05.2023 appointed Dr. Sandip R Rathod, IAS, Secretary, RD etc to re-inquire into the charges framed against the petitioner in contrary to the provisions of Rule 15(2) of the CS(CCA) Rules, 1965 without furnishing a copy of the report of the Inquiring Authority to the petitioner, nor obtaining any statement of the petitioner as contemplated in the rules.

The petitioner submitted a representation on 25.05.2023 to the respondent No.2 inviting his attention to violation of the provisions of Rule 15(2) of the CCS(CCA) Rules, 1965 requesting to (1) supply a copy of the report of inquiry submitted by the Inquiry Authority, (2) to accept the report of the Inquiry Authority and (3) to stop further inquiry into the charges framed against petitioner. But till date, the petitioner received no response from respondent.

Heard learned counsel for the parties.

In course of the argument, the counsel for the petitioner submits that respondents have filed the counter affidavit with regard to the inquiry and other proceedings considered by the respondents and the result of which would be a fresh cause of action. The same

contention is incorporated in para 16 as pointed out by Mr. D. Sharma, learned Addl.GA in his counter affidavit.

In view of the same, nothing survives for the adjudication in this writ petition and accordingly the same is dismissed as infructuous. As a sequel, stay, if any, stands vacated. Pending application(s), if any also stands closed.

However, it is made clear that in the event if any fresh proceeding is issued, the petitioner will be liberty to challenge the same.

JUDGE

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