

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.525 of 2023

Sri Makhan Sarkar

.....Petitioner

_V_E_R_S_U_S_

Tripura Tribal Areas Autonomous District Council
(TTAADC) & 4 Others

.....Respondents

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. A. Debbarma, Advocate.
For Respondent(s) : Mr. B. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

22/08/2023

Heard P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner also heard Mr. B. Debbarma, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for cancelling the office order dated 06.07.2023 issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng, whereby the petitioner has been transferred to the office of the CEO, Administrative Block attached to Executive Officer (Admn.) TTAADC, Khumulwng. Further, cancelling the letter dated 11.08.2023 issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng also directing the respondents to give suitable and convenient posting to the petitioner in terms of memorandum dated 11.10.2022. Further, pass an ad interim order staying the operation of the office order dated 06.07.2023 issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng, till disposal of the present writ petition.

The petitioner has prayed for the following reliefs:

“(i) Pass an ad interim Order staying the operation of the Office Order, dated 06.07.2023, issued by the Addl. Chief Officer (Admn.), TTAADC, Khumulwng, till disposal of the instant Writ Petition.

(ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing & cancelling the Office Order, dated 06.07.2023, issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng,

whereby the Petitioner has been transferred to the Office of the CEO, Administrative Block attached to Executive Officer (Admn.), TTAADC, Khumulwng.

(iii) Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/ orders and/or direction/directions of like nature shall not be issued whereby quashing & cancelling the letter, dated 11. 08. 2023, issued by the Addl. Chief Executive Officer (Admn), TTAADC, Khumalwng.

(iv) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to give suitable & convenient posting to the Petitioner in terms of the Memorandum, dated 11.10.2022 (infra) & the Rights of Persons with Disabilities Act, 2016.

(v) Make the rules absolute.

(vi) Call for records.”

The petitioner is a disabled person suffering from 90% permanent physical disability and is dependent on Wheel-Chair for his movement. The petitioner is serving in the post of Zonal Development Officer under Tripura Tribal Areas Autonomous District Council (TTAADC). By impugned Office order, dated 06.07.2023, the petitioner has been transferred to the Office of the CEO, Administrative Block, attached to Executive Officer (Admn.), TTAADC. But being 90% permanent physically disabled, such transfer is not suitable & convenient for the petitioner. Such transfer is also in contravention to the Memorandum, dated 11.10.2022, issued by the Under Secretary, GA (P&T) Department, Govt. of Tripura, which provides for suitable & convenient posting to disabled persons having more than 40% disability. The petitioner submitted representations to the respondents ventilating his grievance but the prayer has been rejected by the respondents, in contravention to the Memorandum, dated 11.10.2022 & the Rights of Persons with Disabilities Act, 2016.

Having situated thus, the petitioner has filed the instant writ petition, praying for necessary directions from this Court upon the respondents to quash & cancel the Office Order, dated 06.07.2023, issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng, & the letter, dated 11.08.2023, issued by the Addl. Chief Executive Officer (Admn.), TTAADC, Khumulwng. The Petitioner has also prayed for further directions from this Court upon the respondents to give suitable & convenient posting to the petitioner in terms of the Memorandum, dated 11.10.2022 (infra) & the Rights of Persons with Disabilities Act, 2016, and to pass an

ad interim order, staying the operation of the office order, dated 06.07.2023 (supra) till disposal of the present petition.

Hence, the present petition has been preferred by the petitioner before this Court for redress.

In that view of the matter and having gone through the evidence on record, this Court is of the opinion that ends of justice would be met if the petition is disposed of by setting aside the impugned orders, as prayed for and remanding the matter back to the concerned respondents to consider the case of the petition in the light of the scheme prevailing in the State of Tripura and accordingly, the same stands ordered. The respondents are directed to pass a speaking order in accordance with law as expeditiously as possible, preferably within a period of two months from the date of the receipt of the copy of this order.

In terms of the above, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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