

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C). No.616/2022

Sri Ranjit Debbarma, S/O. Late Bilat Mani Debbarma, Resident of Vill:-
Ujan Larma, P.O.-Naba Santiganj Bazar, P.S.:-Takarjala, District-West
Tripura, Tripura.

Presently residing at Paschim Jirania, near Bidya Chandra School, P.O.-J.J.
Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

.....Petitioner(s).

V E R S U S

1. Tripura Tribal Areas Autonomous District Council, Represented by the
Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur,
District-West Tripura, Pin-799035.
2. The Additional Chief Executive Officer, T.T.A.A.D.C Khumulwng, P.O.-
J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.
3. The Principal Officer (Tribal Welfare), T.T.A.A.D.C Khumulwng, P.O.-
J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin- 799035.
4. The Zonal Development Officer, West Zone, T.T.A.A.D.C Khumulwng,
P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin- 799035.
5. The Sub-Zonal Development Officer, Mandwi Sub-Zone, T.T.A.A.D.C.,
Mandwi, P.O.-Mandwi, P/S-Mandwi, District-West Tripura, Pin-799035.
6. Sri Kajal Debbarma, Extension Officer (TW), Notice to be served through
the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur,
District-West Tripura, Pin-799035.
7. Sri Dulal Debbarma, Extension Officer(TW), Notice to be served through
the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur,
District-West Tripura, Pin-799035.
8. Sri Ranjit Debbarma-2, Extension Officer(TW), Notice to be served
through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-
Radhapur, District-West Tripura, Pin-799035.
9. Sri Ranjit Chakma, Extension Officer (TW), Notice to be served through
the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur,
District-West Tripura, Pin-799035.

10. Sri Narendra Reang, Extension Officer(TW), Notice to be served through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

11. Sri Sudhaong Mog Choudhury, Extension Officer (TW), Notice to be served through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

12. Sri Bishnu Debbarma, Extension Officer (TW), Notice to be served through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

13. Sri Subodh Debbarma-1, Extension Officer (TW), Notice to be served through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

14. Sri Subodh Debbarma-2, Extension Officer(TW), Notice to be served through the Chief Executive Officer, Khumulwng, P.O.-J.J. Nagar, P/S-Radhapur, District-West Tripura, Pin-799035.

.....Respondent(s).

For Petitioner(s) : Mr. R.G. Chakraborty, Advocate.

For Respondent(s) : Mr. B. Debbarma, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Date of hearing and judgment: **10th May, 2023.**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

Petitioner being aggrieved by promotion of his juniors by the memorandum dated 22.03.2022 issued by the Additional Chief Executive Officer, Tripura Tribal Areas Autonomous District Council (TTAADC, for short), Khumulwng approached this Court in the present writ petition as, according to him, he is the senior-most employee from the Scheduled Tribe

category. Petitioner contends that he was appointed as Project Assistant on 04.11.1991 in the Department of Tribal Welfare, TTAADC Administration and promoted to the post of Supervisor (TW) on 17.11.2007 and has been serving in the office of Zonal Development Officer, West Zone, Khumulwng under the TTAADC Administration. His next promotion was due to the post of Extension Officer (TW) as per the Departmental Final Seniority list dated 28.01.2022. However, despite being in the first position in the ST category as per the seniority list, he was surprised to know that vide memorandum dated 22.03.2022 his juniors have been promoted without considering his case. Thereafter, he represented thrice before the department on 23.03.2022, 07.04.2022 and lastly on 25.04.2022 but of no avail. Therefore, he has been compelled to approach this Court. Petitioner also impleaded several respondents who, according to him, are juniors but have been promoted by the impugned memorandum dated 22.03.2022 (Annexure-7 to the writ petition) from ST category.

2. In the first counter affidavit filed by the respondents through Deputy Chief Executive Officer, TTAADC, Khumulwng, it was mentioned that the name of the petitioner was not considered for promotion as there is a pending disciplinary proceeding (D.P.)/inquiry against him in relation to complaint of disproportionate assets. It also referred to an inquiry report on

the complaint in respect of the disproportionate assets case against the petitioner which found the allegation to be partially true. It is also stated at paragraph-6 that action would be taken against him very shortly after the code of conduct applicable during the election to the Legislative Assembly is over. Respondents also stated that there was no intention to deprive the writ petitioner of his legal and constitutional rights but due to pending departmental proceedings where the TTAADC had received an inquiry report which reveals that the complaint against him is partially true, his case was not taken up for consideration. Lastly, it was stated that consideration of the claim for promotion of the writ petitioner may be taken after disposal of pending disciplinary proceedings for disproportionate assets, if he is not found guilty.

3. In view of the aforesaid stand of the respondents, a rejoinder affidavit was also filed by the petitioner stating that the alleged inquiry report was 9(nine) months after the promotions were notified and thus, it is clear that during the tenure of promotion, there was no information or any inquiry regarding allegation of disproportionate assets against him. Thus, there was no bar in promoting him to the next level of service. He also denied the allegations as baseless and concocted which has been manipulated subsequently after filing of the writ petition to deprive him

from any legitimate promotion. Petitioner also took the plea that he has not been informed about any such proceeding as alleged either by the department or through his officials. No explanation has been asked from him. Neither any show-cause notice has been issued.

4. In view of the stand of the petitioner, learned counsel for the respondent-TTAADC stated that instructions have been received and details of the departmental inquiry and disproportionate assets case instituted against the petitioner with its present status would be brought on record. Taking note of this submission vide order dated 25.04.2023, the matter was adjourned to 01.05.2023. Since the affidavit had been filed by the respondent's counsel on the same date, the matter has been adjourned for today. The affidavit dated 01.05.2023 filed by the respondent-TTAADC, *inter alia*, states as follows:

"9) That, the Enquiry Committee of 3(three) persons headed by Sri Salaparu Mog, Deputy PO(Fishery), TTAADC submitted Enquiry report on 5/12/2022 by enclosing a separate sheet naming as Annexure A in items No.1 to 4.

(A copy of Enquiry Report submitted by the Enquiry Committee dated- 05/12/2022 is annexed herewith and marked as Annexure-R/5).

10) That, the Zonal Development Officer (ZDO), West Zone, TTAADC forwarded the Enquiry Report which

was submitted by the Enquiry Committee to the Executive Officer (Administration), TTAADC Khumulwng Vide No.F.1(7)/ZDO(W)/ADC/Estt/KHW/2020/7037-38, dated-06/12/2022.

(A copy of letter forwarded by the ZDO, West Zone dated-06/12/2022 is annexed herewith and marked as Annexure-R/6).

11) That, the Administrative authority of TTAADC could not proceed further regarding allegation made by the complainant against the Writ Petitioner Sri Ranjit Debbarma for corruption charges as alleged due to General Election for Tripura Legislative Assembly-2023 which was started from December 2022 and ended in the month of March 2023 and there is no ill motive on the part of the TTAADC Administration not to promote the Writ Petitioner but due to Tripura Legislative Assembly General Election and election code of conduct was in force.

Furthermore, I would like to say that TTAADC authority has no intention to deprive the Writ Petitioner Sri Ranjit Debbarma from his legal rights and Constitutional rights as well as the other employees of TTAADC.

12) That, it is to be mentioned here that the matter for promotion of the writ petitioner Sri Ranjit Debbarma would be consider in future if the name of the petitioner for the allegation made by the complainant is not found guilty and then his promotion would be taken into consideration with retrospective effect and seniority."

5. Learned counsel for the respondent-TTAADC has on the basis of averments made in the latest affidavit dated 01.05.2023 and on instructions stated that no memorandum of charges has been issued against the petitioner for any departmental proceeding nor the department has any instruction as to any other criminal case instituted against the petitioner on allegations of disproportionate assets.

6. The petitioner was aggrieved by the promotional exercise conducted vide memorandum dated 22.03.2022 whereby his juniors were promoted without considering his case. The affidavit of the respondents dated 01.05.2023 and statements made by learned counsel for the respondent-TTAADC, on instructions, show that there are no pending departmental proceedings formally initiated against the petitioner till date in respect of the allegations of disproportionate assets against him. The departmental proceeding is initiated on issuance of a formal charge-sheet. There is no averment in the affidavit of the respondents that any criminal case has been instituted on such allegation or that any formal charge-sheet in such case has been lodged against the petitioner till date. The promotional exercise took place more than one year back vide memorandum dated 22.03.2022 when apparently there was no pending departmental proceeding against him though it is not disputed that his juniors were promoted. In such

circumstances, petitioner appears to have been denied fair consideration on the claim of promotion though his juniors were promoted vide memorandum dated 22.03.2022.

7. Having regard to the aforesaid factual and legal position, this Court is of the opinion that the respondents should consider the claim of promotion of the petitioner in accordance with law within a timeframe, preferably within 12(twelve) weeks from the date of receipt of copy of this order. Needless to say, dependant on such decision, if the case of the petitioner is found fit for promotion on all counts, petitioner would be granted the consequential benefits from the date his promotion was due.

8. The writ petition is disposed of with the aforesaid observations and directions.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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