

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.731 OF 2022**

Pranab Sengupta
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. P. Roy Barman, Advocate.
Mr. K. Chakraborty, Advocate.
For the Respondent(s) : Mr. S. Debnath, Advocate.

10.03.2023

Order

The brief fact of this instant writ petition is that, based on a purported complaint, made by the Private Respondent, an inquiry was initiated by the Internal Complaints Committee on 20.08.2019, against the petitioner, who was serving as Inspector of Police. During the pendency of the said inquiry, on attaining the age of superannuation, the petitioner proceeded to retirement on 31.05.2022. By making a communication dated 30.06.2022, the Assistant Inspector General of Police(Establishment) had issued a direction upon the Superintendent of Police(SC & EO) TPCB, to withhold the pensionary benefits of the petitioner. By a letter dated 08.07.2022, the petitioner had prayed for releasing his pensionary benefits, but in vain. Hence, the petitioner has filed this instant writ petition and prayed for the following reliefs:-

" i) Issue Rule, calling upon the Official Respondents and each one of them, to show cause as to why a writ of Certiorari and/or in the nature thereof, shall not be issued, quashing/setting aside the connected Inquiry, as conducted by the Internal Complaints Committee, thereby treating the same to be dropped with effect from 20.11.2019, in terms of the statutory stipulation, as contained in Section 11(4) of the Sexual Harassment of Women at Workplace(Prevention, Prohibition & Redressal) Act, 2013.

ii) Issue Rule, calling upon the Official Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned Communication dated 30.06.2022(Annexure-14 supra)

iii. Issue Rule, calling upon the Official Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to release the pensionary benefits of the petitioner viz, the Final Pension, Commuted value of pension, Gratuity, Leave Salary etc., along with Interest in his favour;

iv. Issue Rule, calling upon the Official Respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, restraining/prohibiting them, to continue with the further proceedings of the connected Inquiry, till the final disposal of the WP;

v. In the Ad-interim, and thereafter, on hearing the parties, in the Interim, an order in terms of (iv) above.

vi. Call for the records, appertaining to this Writ petition.

vii. After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (vi) above;

viii. Costs of and incidental to his proceeding.

ix. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. K. Chakraborty, learned counsel appearing for the petitioner as well as Mr. R. Saha, learned counsel appearing for the respondents.

Paragraph-3 of the proceeding dated 30th June, 2022 which is under challenge is quoted herein-under:-

" Your are requested to kept withhold Final Pension, Commutation, Gratuity and Leave Salary etc. in respect of Shri Pranab Sengupta, Inspr. of Police(UB) of TPCB, now retired until further orders are communcited from PHQ, Tripura."

In view of the same, this Court finds that the proceeding issued by respondent No.4 herein is unjust since the same is

punitive in nature for keeping the proceeding until further orders without indicting a specific date and time.

In view of the same, respondent No.4 shall further pass an appropriate order in continuation of the proceeding dated 30.06.2022 within a period of 1(one) month from the date of receipt of the copy of this order and all the respondents shall consider the case of the petitioner with regard to the releasing of the pensionary benefits in accordance with the law. The said decision shall be communicated to the petitioner as expeditiously as possible as per law.

It is also open for the petitioner to make a further representation emphasizing the legal position before the respondents.

With the above observation and direction, this instant writ petition stands disposed of. As a sequel, stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

suhanjit