

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.656 OF 2023

Sri Uddhab Biswas

Vs.

The Union of India and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Ms. S. Nandy, Advocate.

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

11.10.2023

Order

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

"i. As to granting stay of the show cause notice of termination dated 12.09.2023 as wrongfully issued, subsequent to the acquittal of the petitioner in Case No. Special(POCSO)16 OF 2021 vide Judgment dated 13.01.2022.

ii. As to a writ in the nature of mandamus directing the respondents to re-instate the petitioner in service, subsequent to the acquittal in Case No. Special(POCSO) 16 of 2021 vide Judgment dated 13.01.2022.

iii. As to a writ in the nature of certiorari quashing the show cause notice of termination dated 12.09.2023 as wrongfully issued, subsequent to the acquittal of the petitioner in Case No. Special(POCSO) 16 of 2021 vide judgment dated 13.01.2022.

AND

iv. As to why such other order/orders should not be passed so as to give full relief to the petitioner."

Heard Ms. S. Nandy, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the Union respondents.

Ms. Nandy, learned counsel appearing for the petitioner submits that the petitioner herein had previously filed a similar writ petition No. WP(C)621/2023 which was disposed of on 04.10.2023 with a direction that the petitioner must reply to the impugned show

cause notice for termination before seeking redress before this Court. The petitioner has adhered to the same vide letter dated 04.10.2023, but, till date, no reply has been received. As such, learned counsel for the petitioner prays before this Court to quash the impugned show cause notice of termination nor the petitioner would be terminated.

On the other hand, learned Deputy SGI appearing for the Union respondents submits that no fresh cause of action arises in this present writ petition because the petitioner has earlier filed a writ petition against the said show cause notice and the same was disposed of on 04.10.2023.

This Court after hearing both the parties and perusing the evidence on record, is of the opinion that the petitioner herein needs to wait till the decision is taken in pursuance to the impugned show cause notice considering the explanation given by the petitioner. The petitioner hurriedly, filed the present writ petition before this Court without waiting for the result of his explanation. So, the filing of the writ petition itself is against show cause notice which is not conclusive in nature; it is premature and the present writ petition is misconceived, the petitioner ought to have waited till the respondents passes an order.

Hence for the reasons stated above, this present writ petition is dismissed with a direction upon the petitioner to deposit a cost of Rs. 10,000/- (*Rupees Ten Thousand*) only in the account of Tripura High Court Bar Association to be paid within a period of 1(one) month from date of passing of this order.

A copy of this order is marked to President, Tripura High Court Bar Association.

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

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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RAJKUMAR SUHANJIT
SINGHA
Date: 2023.10.13
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HIGH COURT OF TRIPURA



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