

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.772 OF 2022**

Sudhir Chandra Das

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

.....**Respondent(s)**

For the Petitioner(s) : Mr. S. Bhattacharjee, Advocate.

For the Respondent(s) : Mr. K.De, Addl. GA..

Date of hearing and delivery of
Judgment & Order : 14.12.2023.

Whether fit for reporting : YES/NO.

**HON'BLE MR JUSTICE T. AMARNATH GOUD
JUDGMENT AND ORDER(ORAL)**

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl.G.A., appearing for the State-respondents.

2. The brief fact of the case is that the petitioner herein has challenged the impugned memorandum dated 12.07.2021, issued by the Executive Engineer, RD, Agartala Division, Govt. of Tripura, whereby and where under, the respondents subjected the petitioner to re-fixation of his pay w.e.f. 01.01.2006 & ask for preparation of due drawn statement for recovery of alleged excess payment. The petitioner filed representation dated 16.07.2022, but the same is still pending before the respondents.

3. In view of such circumstances, the petitioner has preferred this present writ petition under Article 226 of the Constitution of India seeking the following reliefs:-

" i. Issue Rule upon the Respondent to show cause as to why writ in the nature of mandamus and/or Order/direction shall not be issued whereby quashing & cancelling the Memorandum dated 12.07.2022 issued by the Executive Engineer, RD, Agartala Division, Govt. of Tripura.

ii. Issue Rule upon the Respondent to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the respondents not to cause any recovery from the pay and salary of the petitioner in pursuance with the impugned Memorandum, dated, 12.07.2022 issued by the Executive Engineer, RD, Agartala Division, Govt. of Tripura.

iii. Pass any interim order staying the further proceeding of impugned Memorandum dated 12.07.2022, issued by the Executive Engineer, RD, Agartala Division, Govt. of Tripura till disposal of instant writ petition.

iv. Make the rules absolute.

v. Call for records.

vi. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

4. Heard and perused the evidence on record.

5. It is seen from the record that representation dated 16.07.2022 made by the petitioner against the memorandum dated 12.07.2022 to the Executive Engineer, R.D. Agartala Division is pending till date.

6. Accordingly, this present writ petition is disposed of with a direction upon the respondents to reconsider their decision and pass a speaking order after considering in its entirety the representation made by the petitioner dated 16.07.2022 against the proceeding date 12.07.2022 and also earlier proceeding dated 27.10.2021. The said exercise shall be completed by the respondents within a period of 3(three) months from the date of receipt of the copy of this order.

Since the balance of convenience in the favour of the petitioner, the respondents are refrained to recover from the petitioner till the decision is taken in this regard.

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

JUDGE

suhanjit

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