

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.793 of 2021

Sri Ganga Jamatia

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura and 3 Others

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Chakraborty, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. R. Datta, Advocate. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

06/07/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D.Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel and Mr. R. Datta, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondents to transmit the records lying with them for rendering substantive and conscionable justice to the petitioner and also for conducting a review DPC with respect to the DPC Meeting convened on 10.11.2010 and to re-consider the case of the petitioner for promotion to the post of Under Secretary TPSC, with retrospective effect from 2010 by not taking into account the concerned non-communicated ACR grading.

The petitioner has prayed for the following reliefs:

- i. Issue rule calling upon the 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, for directing the respondents to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner.
- ii. Issue rule calling upon the 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 conduct a review DPC with respect to the DPC Meeting convened on 10.11.2010 and to re-consider the case of the petitioner for promotion to the post of Under Secretary TPSC, with retrospective effect from 2010 by not taking into account the concerned non-communicated ACR grading.
- iii. Call for the records, appertaining to this writ petition.
- iv. After hearing the parties, be pleased to make the rule absolute in terms of (i) & (ii) above.

v. Costs of an incidental to this proceeding.”

In view of above and having heard the learned counsel appearing for the parties more particularly, it is seen from the record that there is no impugned order which is under challenge. The impugned action which is arrayed in this petition is that the respondents have not considered the request of the petitioner despite the communications made by the other respondents in favour of the petitioner.

In that view of the matter, without expressing any opinion on merits, the present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the communications made by the other respondents in favour of the petitioner. However, it is directed that before passing of any such order, the respondents shall consider the case in its entirety including the relevant communications or any other information which is made by the other respondents in favour of the petitioner. This decision shall be taken within a period of one month from today since the petitioner is about to retire on September 5th, 2023.

Accordingly, the present petition is disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

ANJAN
GHOSH

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