

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 890/2022**

Sri Shyamapada Pal

----Petitioner(s)

Versus

The State of Tripura and 12 ors.

----Respondent(s)

For Petitioner(s)	:	Mr. B. Debnath, Advocate
For Respondent(s)	:	Mr. D. Bhattacharjee, GA Mr. S. Saha, Advocate

**HON'BLE MR. JUSTICE ARINDAM LODH
Order**

03/07/2023

Heard Mr. B. Debnath, learned counsel for the petitioner. Also heard Mr. D. Bhattacharjee, learned GA assisted by Mr. S. Saha, learned counsel appearing for the respondents-State.

It is the case of the petitioner that he was engaged as Part Time Pump Operator for Sonaimuri Market under DTW Scheme by Sonaimuri Gram Panchayat of Kumarghat RD Block from November, 2020. The grievance of the petitioner is that while he was discharging his duties and responsibilities as Pump Operator as Part Time Pump Operator under the respondents. He was disengaged from the said engagement. He has submitted representation against such disengagement order passed by the competent authority, but it was not responded to by the respondents.

In view of that, the petitioner had filed a writ petition which was registered as WP(C) 508 of 2020. While disposing of the said writ petition, this court had passed the following order on 19.05.2022:

“[3] There is neither proof of acknowledgment of filing of the said complaint before the concerned police officials and prayer before concerned Block Development Officer.

[4] However, in view of the rival contentions made by both sides, this court is not inclined to express any opinion on merits of the case at this juncture.

Having regard to the facts and circumstances that in the event of any such consideration to the prayer made by the petitioner is still pending on the file of the BDO, Kumarghat R. D. Block, Kumarghat, Unakoti, Tripura, he shall consider the same and pass appropriate orders in accordance with law within a period of one month from the receipt of the copy of this order, if not already considered”.

In the light of the aforesaid directions passed by this court, the petitioner has submitted a representation on 14.06.2022 to the Block Development Officer (BDO, for short), Kumarghat RD Block, District-Unakoti, Tripura. After receipt of the said representation, the BDO vide communication dated 12.07.2022 (Annexure 10 to the writ petition) directed the petitioner to appear before him personally for hearing. Accordingly, the petitioner appeared before the BDO on the stipulated date and time and having heard, the BDO, Kumarghat RD Block, had passed the following order on 15.07.2022 (Annexure 11 to the writ petition)-

“As per direction received from the Hon’ble High Court, Tripura Dated 19.05.2022 in connection with WP(C) 508 of 2020, Sri Shyamapada Pal, S/o Lt. Umesh Chandra Pal of Sonaimuri GP under Kumarghat R.D. Block was directed to appear before the Block Development Officer (BDO), Kumarghat R.D. Block on 15/07/2022 at 04.00 PM at the Chamber of BDO, KGT for disposal of his application dated 01.02.2020.

Accordingly, Sri Shyamapada Pal, S/o Lt. Umesh Chandra Pal of Sonaimuri GP under Kumarghat R.D. Block has been appeared and heard.

It is to mention here that Sri Jitendra Malakar, S/o Lt. Narendra Malakar engaged as Part Time Pump Operator for Sonaimuri Market, DTW Scheme under Sonaimuri GP of Kumarghat RD Block from November, 2020 in place of Sri Shyamapada Pal S/o Lt. Umesh Chandra Pal as per the Resolution of Sonaimuri GP Dated 11/03/2020 & 02/10/2020. Sri Jitendra Malakar getting wages from November, 2020 to till date as per working report of Sonaimuri GP.

It is also to mention here that the then BDO of Kumarghat RD Block Vide his letter No. 13026-30/F.9(18)/BDO/KGT/PANCH/2015-16, Dtd. 19/11/2020 addressed to Executive Engineer, PWD (DWS Deptt), Division-II, Kumarghat, Unakoti District wherein it was mentioned that Sri Shyamapada Pal was very much negligent in his duties as a Part Time Pump Operator of Sonaimuri DWS Scheme. Due to his negligent in duties, the rural masses of Sonaimuri GP were faced troubles regarding daily use of safe drinking water.

The petition of Sri Shyamapada Pal Dated. 01/02/2020 is hereby regretted.”

I have considered the submissions advanced by the learned counsel appearing for the parties.

It is clear from the said order dated 15.07.2022, that a report was received by the concerned controlling authority of the petitioner that he was found to be negligent in performance of his duties, for which the rural masses of Sonaimuri Gram Panchayat had faced troubles as regards the daily use of safe drinking water. It is apparent that an enquiry was made and the petitioner was found to be negligent. Moreover, the petitioner was not holding a civil post. He was merely a Part-Time worker. Moreso, he was not engaged following the established norms of public engagement.

It is settled proposition of law that a person having not held civil post cannot seek mandamus or the court cannot exercise its discretionary and extra-ordinary jurisdiction, as enshrined under Article 226 of the Constitution of India. The petitioner may claim compensation in an appropriate forum, if he feels that illegalities have been committed towards him by the respondents.

In view of this, I find no merit in the instant writ petition to admit the same. Resultantly, the same stands dismissed.

JUDGE