

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.975 OF 2022**

Sri Bahadur Hansda
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. D.C. Roy, Advocate.
Mr. A.K. Pal, Advocate.
For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. D. Sarkar, Advocate.

10.03.2023

Order

The brief fact of the case is that the petitioner is a dismissed Government Employee of the respondents i.e. Home Department, Government of Tripura. He was a TSR Rifleman(GD) and while availing 15 days of casual leave with effect from 26.04.2021 to 15.05.2021 and 3 days JP from 17.05.2021 to 19.05.2021, the petitioner fell ill and he was unable to join his duties after the expiry of the leave period. He was accordingly treated by a Doctor and due to his treatment, the petitioner enjoyed an overstay of 309 days of leave on medical ground. After completion of treatment, the petitioner then went to join in his service on submission of medical certificate, for his overstay period. But the

respondent-commandant handed over a termination letter of his service. After getting the termination letter he filed an appeal before the Appellate Authority i.e. respondent No.5 against the dismissal order of the Disciplinary Authority. The appeal was dismissed by the Appellate Authority. So the petitioner filed this instant writ petition praying for the following reliefs:-

*"i) Admit the writ petition of the petitioner;
ii) Issue notice upon the respondents;
iii) Call for the relevant records from the custody of the respondents;*

AND

iv) After hearing the parties, Your Lordship would be kind enough to set aside/quash/cancel the ex-parte departmental proceeding vide no.D.P.07 of 2021 which is initiated against the petitioner and the petitioner also prayed before Your Lordship for set aside/quash/cancel the ex-parte inquiry report, provisional punishment, final punishment order and order of the Appellate Authority and the petitioner also prayed before the Hon'ble High Court to pass an order directing the respondents to reinstate the petitioner in his service for fair ends of justice."

Heard Mr. A.K. Pal, learned counsel and Mr. D.C. Roy, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned G.A. and Mr. D. Sarkar, learned counsel appearing for the respondents. Perused the evidence on record.

As seen from the impugned proceeding dated 15.07.2022, prima facie this Court feels that the petitioner ought to have preferred a revision as indicated and to this,

even the learned counsel appearing for the petitioner upon instruction submits that he would avail the remedies as indicated in the impugned order by approaching the revisional authority.

In view of the same, the instant writ petition is disposed of giving liberty to the petitioner to avail the remedies of preferring revision before the concerned authority. For computing the limitation, if any, the same is to be counted from today. Once the revision is filed, the revisional authority shall consider the same within a period of 6(six) months from the date of receipt of the revision.

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

CHIEF JUSTICE (ACTING)

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