

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WP(C) No.971 of 2022

Sri Dipankar Deb

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 3 Others

.....Respondents

For Petitioner(s)	:	Mr. B. N. Majumder, Sr. Advocate. Mr. B. Paul, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

25/08/2023

Heard Mr. B. N. Majumder, learned senior counsel assisted by Mr. B. Paul, learned counsel appearing for the petitioner also heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India setting aside the memorandum dated 17.10.2022 and also for recalling the order of termination of appointment dated 17.10.2022 and to allow the petitioner to continue with his contractual appointment under the National Health Mission.

The petitioner has prayed for the following reliefs:

- (a) Issue rule NISI.
- (b) Issue rule calling upon the respondents and each one of them to show cause as to why a writ of certiorari shall not be issued quashing/ cancelling/ setting aside, the memorandum dated 17- 10-2022, shall not be issued.
- (c) Issue rule calling upon the Respondents and each one of them to show cause as to why a writ in the nature of Mandamus shall not be issued Directing/ Commanding/ Mandating the Respondents to recall the order of termination of appointment dated 17-10- 2022 and to allow the Petitioner to continue with his contractual appointment under the National Health Mission, shall not be issued.
- (d) Issue rule calling upon the Respondents and each one of them to produce the record relating to this case.
- (e) In case the Respondents show causes or not be kind enough to make prayers (b) and (c) absolute.

(f) Pending disposal be kind enough to stay the termination of appointment dated 17-10-2022 and direct the Respondents to allow the Petitioner to continue his services.”

The case of the petitioner is that the petitioner after completion of his post-graduation Diploma in trade transport and communication was appointed by the respondents as Logistic specialist in the year 2011 on contractual basis for 11 months subject to continuation by appropriate authority. The petitioner continued with the appointment till today on the basis of his performance appraisal. On 03.03.2022 a *whatsapp* message was received by the petitioner wherefrom it revealed that a complaint against the petitioner was received for illegal gratification was demanded by the petitioner for clearing concerned file and an enquiry report committee was also constituted.

On 24.04.2022 the committee submitted report on the basis of a purported statement of the petitioner admitting guilt holding that the allegations are supported through documents collected during enquiry. A show-cause notice was issued on 13.07.2022 against the petitioner and in response to that; the petitioner submitted his reply on 30.09.2022 denying the entire allegation against him. The respondent No-3 thereafter vide memo dated 17.10.2022 terminated the petitioner from the contractual appointment without considering the reply of the petitioner and based on no admissible evidences and hence, the present writ petition has been filed challenging the impugned termination order dated 17.07.2022.

In view of above and after gone through material evidence on record, the present petition stands dismissed by upholding the termination order issued by the respondents. However, insofar as the termination is concerned, this Court is not inclined to express its opinion on the allegations made which are pending investigation and trial filed before the Court below vide West Agartala P.S. Case No.2022 WAG069 and about taking expeditious actions on the requisition placed by the West Agartala Police Station under Section-91 of Cr. P.C in relation to the criminal case registered against the petitioner. In that view of the matter, the present petition stands dismissed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

ANJAN
GHOSH

Digitally signed by
ANJAN GHOSH
Date: 2023.08.28
16:30:32 +05'30'