

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.1064 of 2022**

Subhasish Datta,
son of Sankar Datta,
resident of Surendranagar, Kushamra,
Udaipur, Tripura, Pin-799105

.....Petitioner(s)

Versus

1. The State of Tripura,
to be represented by the Secretary,
Department of Industries & Commerce,
Government of Tripura, New Secretariat
Complex, Kunjaban, Agartala, West Tripura,
Pin-799010

2. The Secretary,
Forest Department, Government of Tripura,
New Secretariat Complex, Kunjaban, Agartala,
West Tripura, Pin-799010

3. The Director,
Directorate of Industries & Commerce,
Shilpa Udyog Bhavan, Khejurbagan, Agartala,
Tripura, Pin-799006

4. The Manager,
Directorate of Industries & Commerce,
Shilpa Udyog Bhavan, Khejurbagan, Agartala,
Tripura, Pin-799006

5. The Member Secretary,
Society for Entrepreneurship Development (SOFED),
Indranagar, ITI Road, Agartala, West Tripura, Pin-799006

6. The Chief Executive Officer & Project Director,
Tripura, (JICA Project), JICA Project Building, Salbagan
Forest Complex, Gandhigram, Agartala, West Tripura,
Pin-799012

7. Sri Subhankar Saha,
son of Sankar Chandra Saha,
care of Society for Entrepreneurship Development (SOFED),
Indranagar, ITI Road, Agartala, West Tripura, Pin-799006

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Adv.
Mr. D. Paul, Adv.

For Respondent(s) : Mr. D. Bhattacharya, G.A.
Mr. S. Saha, Adv.

Date of Hearing &

Judgment & Order : 27.04.2023

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order(Oral)

Heard Mr. P. Roy Barman, learned senior counsel appearing for the petitioner as well as Mr. D. Bhattacharya, learned G.A. appearing for the respondents.

2. By means of this writ petition, the petitioner has urged before this court for necessary directions upon the respondents to quash and cancel the notice dated 28.09.2022, issued by the Member Secretary, SOFED. The petitioner has also prayed for direction upon the respondents to reappoint or reengage the petitioner in the post of Training & Capacity Building Officer under the respondents. The petitioner has also submitted similar and identical representations to the Member Secretary, SOFED and the CEO and Project Director, Tripura JICA Project, ventilating his grievances against his illegal, unfair and arbitrary termination from service by the respondents. But there has been no positive response from the respondents.

3. Mr. P. Roy Barman, learned senior counsel appearing for the petitioner has challenged the notice for discontinuation of contract service dated 28.09.2022. According to the learned senior counsel the petitioner was appointed on 06.12.2021. Since his joining the petitioner has been discharging his duties and responsibilities with utmost satisfaction of his higher authority. But all on a sudden the Member Secretary, SOFED, issued a notice for discontinuation of Contract service dated 28.09.2022. In the said notice, it is stated that the petitioner is hereby discontinued w.e.f.

27.10.2022 as per the terms and conditions of appointment. Though in the said appointment letter it was stated that the candidates named in the letter are hereby selected and appointed as Training & Capacity Building Officer for the Tripura SOFED and the CEO and Project on contract basis for a period of eleven months from the date of their joining with a monthly contract gross pay of Rs.40,000/- only. In the said list, the name of the petitioner appears at Serial No.1 and it is further mentioned that his appointment may be extended on the basis of their performance and requirement of the project.

4. According to learned senior counsel, the termination of engagement without any cogent reason is unethical to the mandate of Article 14 of the Constitution of India. Personality of a State does not undergo a radical change after giving a contractual engagement to someone. Every state action has to be for a public purpose and must promote public benefit. The wide sweep of Article 14 of the Indian Constitution and the requirement of every State action qualifying for its validity on this touch stone, irrespective of the field of activity of the State, makes the impugned notice dated 28.09.2022 by which the service of the petitioner was terminated is liable to be interfered with.

5. On the other hand, Mr. D. Bhattacharya, learned G.A. appearing for the respondents has submitted that the discontinuation have been made as per the terms and conditions of the appointment letter dated 06.12.2021.

6. Having heard both sides, this court is of the considered opinion that the petitioner is dismissed from service under contractual obligation and accordingly, the present petition stands dismissed. Liberty is given to the petitioner to avail remedies under law.

JUDGE

