

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 177 of 2024

Shri Suman Dey

---Petitioner(s)

Versus

The State of Tripura and 2 Others.

---Respondent(s)

For Petitioner(s)	: Mr. C.S. Sinha, Advocate.
For Respondent(s)	: Mrs. R. Chakraborty, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.03.2024

This is a petition under Article 226 of the Constitution of India for seeking the following reliefs:

- (i) Admit this petition;
- (ii) Call for the records.
- (iii) Issue writ in the nature of certiorari calling upon the respondents to show cause as to why the disciplinary proceedings as well as charges leveled against the petitioner vide Memorandum dated 17-03-2021 should not be set aside and quashed.
- (iv) Issue writ in the nature of certiorari calling upon the respondents to show cause as to why the frequent change of Inquiring Authority without valid ground should not be considered as a big factor to get the proceedings completed early and it is a factor for putting the petitioner under pressure is caused the delaying proceeding would make him deprived of from early regularized in the post of permanent laborer.
- (v) Issue writ in the nature mandamus directing the respondent authorities to provide the subsistence allowance which the petitioner is entitled to during the period of suspension from 27-10-2020 to 26-02-2021.
- (vi) Pass any other order/orders which your Lordship deem fit and proper.

It is the case of the petitioner he is a permanent labour under the Forest Department. He joined the office of the respondent on 13.12.2017. A disciplinary proceeding was initiated on 17.03.2021 which has not been concluded yet. Respondents are not in sincere endeavour to conclude the departmental enquiry proceeding. As many as three inquiry authorities have been changed. It is now at the stage of examination of prosecution witnesses. But after 15.03.2023, the enquiry proceeding has not been continued for no reasons. The delay in conclusion is causing delay in petitioner's regularization in service.

It is further contended by the counsel for the petitioner that in the inquiry proceeding preliminary hearing was done on 21.02.2022 and next date was fixed on

28.02.2022. But no inquiry was held on that date. Later on, order of cancellation of the date was given to him on 09.03.2022 from the office of the Sub-Divisional Forest Officer, Sonamura, Sepahijala.

Further, it has been contended that the respondent authorities are not acting in the accordance with the Memorandum dated 17.07.2004, issued by the GA(AR) Department, Government of Tripura which sets timelines of six months to conclude the departmental inquiry proceeding. Not only that, Hon'ble Supreme Court in judgment dated 16.12.2015 in *Prem Nath Bali vs High Court of Delhi* has observed that every employer must make sincere endeavour to conclude the departmental enquiry proceeding within six months. But respondents do not follow this and drag the enquiry proceeding for indefinite period.

Heard learned counsel for the parties.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondent to expedite the matter as early as possible, preferably within a period of 6 months from the date of receipt of copy of this order and communicate the same to the petitioner herein.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak

DIPAK DAS
Digitally signed by
DIPAK DAS
Date: 2024.03.07
14:45:13 +05'30'