

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.203 OF 2024**

Sri Tapas Das
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. S. Bhattacharjee, Advocate.
Mr. K. Nath, Advocate.
For the Respondent(s) : Mr. M. Debbarma, Addl. G.A.

15.03.2024

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

- i. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby quashing and cancelling the Order, dated 04.07.2018, issued by the Additional Secretary to the Government of Tripura, General Administration (Personnel & Training) Department.
- ii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby quashing and cancelling the Orders, dated 01.10.2018 & 16.03.2019, both issued by the Deputy Secretary to the Government of Tripura, General Administration (Personnel & Training) Department.
- iii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the Respondents to declare the Orders, dated 04.07.2018, 01.10.2018 & 16.03.2019 (infra) as "void ab initio" and "non est" in the eye of law, and thereafter, release all consequential financial benefits in favour of the Petitioner.
- iv. Make the rules absolute.
- v. Call for records pertaining to the instant Writ Petition.
- vi. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

Heard Mr. S. Bhattacharjee, learned counsel along with Mr. K. Nath, learned counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents.

Mr. S. Bhattacharjee, learned counsel appearing for the petitioner submits that the respondents acted in an arbitrary manner and whimsically issued the suspension Order dated 04.07.2018, violating the relevant provisions of the CCS(CCA) Rules, 1965 and the same is liable to be quashed and set aside.

Heard and perused the evidence on record.

It is seen from the record that the impugned suspension order was passed by the Addl. Secretary to the Government of Tripura, GA(P&T) Department on 04.07.2018 itself but the same was not challenged by the petitioner for a long period of time. Now on 11.03.2024, by filing this writ petition, the petitioner has challenged the same. As such, the present writ petition suffers from the principle of delay and laches for not approaching the Court in time. Accordingly, the same is liable to be dismissed on the grounds of delay and laches.

Further, the Disciplinary proceeding against the petitioner is still pending and any order that would be passed in this matter, this Court feels that it would have an impact on the Disciplinary proceeding.

Hence the present writ petition is dismissed. Stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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SUHANJIT SINGHA
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