

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 226 of 2024

Shri Prabir Kumar Ghosh **Petitioner(s)**
Versus
State of Tripura and others **Respondent(s)**

For Petitioner(s)	:	Mr. AK Pal, Advocate
For Respondent(s)	:	Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

21.03.2024

This writ petition is filed under Article 226 of the Constitution of India challenging final punishment order dated 12.09.2023 issued by the respondent imposing 5% cut of the pension amount from the petitioner for the period of two years which has been further affirmed by the Appellate Authority by order dated 26.12.2023.

[2] It is the case of the petitioner that he is a retired government employee under the respondents in the capacity of Assistant Engineer and his date of superannuation is on 30.09.2020. According to the petitioner, while in service as an Engineer he had not violated any guidelines in performing his duties. It is surprised to him that respondent issued charge-memo dated 16.02.2019 vide Article No.I indicating that the petitioner namely, Prabir Kumar Ghosh alongwith one Sajal Kumar Debnath while performing the supervision of the work, both have cleared the bill of Rs.1,48,52,088/- only and thereafter, the concerned officers during their visit found that the work was not done to the satisfaction. They found that huge construction materials viz, sand bags, bamboos and pipes used for scaffolding and shuttering have not been removed from the drains by the agency, causing obstruction to free flow of storm water resulting water logging during rain in the monsoon. The respondent authority alleged that the petitioner and one Sajal Debnath, Junior Engineer failed to discharge their duties satisfactorily as well as made

false entries/certifications in the Measurement Book. Respondents have framed charge against the petitioner and caused an enquiry.

[3] The inquiry officers had conducted an inquiry and by order dated 20.01.2021, a report was prepared holding that the prosecution failed its case against the petitioner along with another and as a result, guilt against the accused persons is not proved. Thereafter, the findings submitted by the Inquiring Authority was disagreed by the Disciplinary Authority and later acted as per Rule 15(2) of CCS (CCA) Rules, 1965. Consequently, the respondent concerned has passed the impugned memorandum dated 12.09.2023 imposing the punishment of 5% cut from the pension of the petitioner for a period of two years. Aggrieved thereby, an appeal has been preferred by the petitioner on 16.10.2023 and the appellate authority by order dated 26.12.2023 have confirmed the said punishment order dated 12.09.2023. Hence, the present writ petition.

[4] Heard learned counsel for the respective parties.

[5] A fair reading of the impugned proceedings, clearly indicates that respondents have appointed an Inquiry Officer and the inquiry report in January, 2021 has been submitted holding that the petitioner is not guilty. However, not being satisfied with the same, the respondents in the impugned order have indicated that Rule 15(2) of CCS(CCA) Rules, 1965 would be involved and accordingly, a show-cause notice by way of memo dated 14th August, 2023 has been issued upon the respondents asking them to submit an explanation. The petitioner in 29th August, 2023 submitted the representation in reply to the said show-cause and thereafter, the impugned order dated 12th September, 2023 is said to be passed. It is seen from the impugned order dated 12.09.2023 that the same is silent on the fact that a show-cause notice has been issued upon the petitioner by way of memorandum dated 14th August, 2023 and no reasons have been recorded with regard to the representation made by the petitioner on 29th August, 2023.

[6] In view of the same, without expressing any opinion on the merits of the case, this Court feels that the order dated 12.09.2023 passed by the respondent is an unreasoned order as the same is not dealt with the show-cause notice/memorandum dated 14th August, 2023

and the explanation/representation filed by the petitioner to respondent on 29th August, 2023. Thus, the case is remanded back to the respondents for passing a fresh speaking order in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of the copy of this order.

Hence, the present writ petition is disposed of. Miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

HIGH COURT OF TRIPURA



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Sabyasachi G.

**SABYASACHI
GHOSH**

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