

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.382 OF 2022**

Sri Jayanta Debbarma

..... **Petitioner**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. Koomar Chakraborty, Advocate.
Ms. A. Debbarma, Advocate.

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 11.01.2024

Whether fit for reporting : NO.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

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 a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the Memorandum dated 07.01.2022 issued by the Principal Secretary to the Government of Tripura(Disciplinary Authority) GA(AR) Department.

ii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued, whereby quashing and cancelling the Order dated 29.03.2022, issued by the Chief Secretary, Appellate Authority, GA(AR) Dept.

iii. Make the Rules absolute.

iv. Cal for records.

Pass any further order/orders as the Hon'ble High Court considered fit and proper."

2. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. Koomar Chakraborty, learned counsel, and Ms. A. Debbarma,

learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A. appearing for the State-respondents.

3. Mr. Roy Barman, learned counsel appearing for the petitioner submits that the Appellate Authority passed a long order but without application of mind. The Appellate Authority has not applied its independent mind and has only observed that the points raised by the appellant has been examined by the Government in the GA(AR) Department and no new points has been found. The Appellate Authority failed to consider the appeal in terms of the mandate of Rule 27 of the CCS(CCA) Rule, 1965.

4. On the other hand, Mr. D. Sharma, learned Addl. G.A., appearing for the State-respondents agrees that the impugned order passed by the respondent-Appellate Authority is unreasoned.

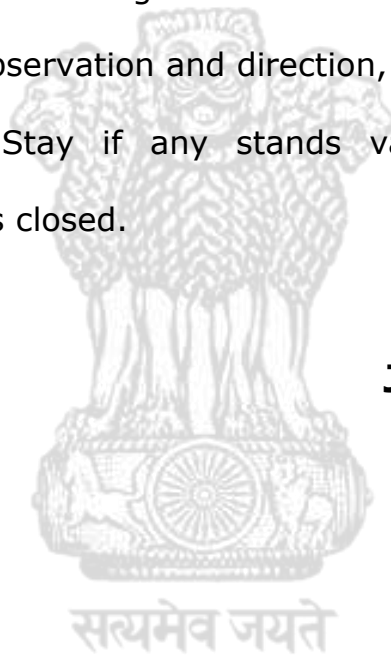
5. Heard and perused the evidence on record.

6. It is seen from the record that in the impugned order 29th March, 2022, the respondent-Appellate Authority has only stated that "*the above points raised by the appellant has examined in the GA(AR) Department and no new points has been found to consider the appeal and to interfere with the order dated 07.01.2022 of the Disciplinary Authority*". It is evident that the same has been passed without the application of an independent mind by the Appellate Authority. He has only relied upon the findings of the order of the Disciplinary Authority dated 07.01.2022. However, in all fairness, both the parties have pointed out that the impugned order passed by the respondent-Appellate Authority is an unreasoned order and accordingly, the same needs to be set aside and the matter needs to be remanded back.

7. In view of the same, the impugned order passed by the respondent-Appellate Authority is set aside and the matter is remanded back to the respondent-Appellate Authority i.e. Chief Secretary. GA(AR) Department, Government of Tripura for adjudication of the same in accordance with law after giving a fresh opportunity to the petitioner. The said exercise shall be completed preferably within a period of 3(three) months from the date of receipt of this order by the respondents. However, it is needless to observe that the petitioner would cooperate with the said proceeding.

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

JUDGE



suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed
by RAJKUMAR
SUHANJIT SINGHA
Date: 2024.01.12
16:40:29 +05'30'