

**HIGH COURT OF TRIPURA
AGARTALA
WA NO.86 OF 2022**

The State of Tripura

.....Appellant(s)

Versus

Sri Parendra Debbarma and ors.

.....Respondent(s)

For the Petitioner(s) : Mr. M. Debbarma, Addl. G.A.

For the Respondent(s) : Mr. T.D. Majumder, Sr. Advocate.
Ms. R. Debbarma, Advocate.

Date of hearing and delivery of
Judgment & Order : 07.02.2024.

Whether fit for reporting : No.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
J U D G M E N T & O R D E R (O R A L)**

This present writ appeal has been filed under Chapter
VA(2)(2) of the High Court Rules seeking the following reliefs:-

"a) Admit appeal & call for records.

*b) Pass order setting aside the Judgment & Order dated
08.10.2021 passed in WP(C) No.202 of 2020.*

*c) Pass order staying the operation of the Judgment & Order
dated 08.10.2021 passed in WP(C) No.2020 of 2020.*

*d) Pass any other order or Orders as deem fit and proper
having regard to the facts & circumstances of the case."*

2. The brief fact of this case is that the petitioner-respondent approached the Court under Article 226 of the Constitution of India challenging the impugned order of penalty dated 10.01.2020, issued by the Disciplinary Authority, whereby and whereunder, the promotion of the petitioner was withheld for a period of three years and further directed for recovery of Rs.9,08,067/- i.e. 50% of the unadjusted amount of Rs.18,16,134/-.

3. The respondents objected that the petitioner being an employee of the Government of Tripura, in connivance with another person, namely Sri Bhabatosh Ch. Dey, had defalcated a sum of Rs. 18,16,134/- [*Rupees eighteen lakhs sixteen thousand one hundred thirty-four only*] which was public money, sanctioned for providing beneficial services to the persons brought under the scheme. Inquiry was conducted and ultimately, the disciplinary authority i.e., the Principal Secretary, Government of Tripura, General Administration (A & R) Department, imposed punishment upon the petitioner-respondent.

4. The Hon'ble Single Judge allowed the writ petition and held the joint inquiry against the petitioner-respondent herein as well as Sri Bhabatosh Ch. Dey, as un-authoritative and illegal vitiating the entire proceedings. Accordingly, the Hon'ble Single Judge set aside the proceeding and the penalty imposed upon the

petitioner-respondent. The Hon'ble Single Judge also set aside the impugned order of punishment dated 10.01.2020 and directed that the competent authority of the State Government may initiate proceeding against the petitioner-respondent in accordance with the law.

5. Being aggrieved by the decision of the Hon'ble Single Judge, the State filed this writ appeal seeking the above-mentioned reliefs.

6. Mr. M. Debbarma, learned Addl. G.A. appearing for the State-appellant submits that the learned Single Judge should have dismissed the writ petition for want of lawful cause of action. The learned Single Judge failed to appreciate the relevant rules of CCS CCA Rules, 1965 and thereby Order of quashing the imposition of punishment is required to be interfered with/quashed.

7. Heard and perused the evidence on record.

8. To examine the matter in hand, let us first reproduce relevant portion of the the impugned Order dated 08.10.2021:-

"[19] Having held so, the joint inquiry against the petitioner as well as Sri Bhabatosh Ch. Dey, is un-authoritative and illegal vitiating the entire proceedings. Accordingly, the proceeding and the penalty imposed upon the petitioner are liable to be set aside and accordingly, the impugned order of punishment dated 10.01.2020 shall stand set aside. However, it is made clear that the competent authority of the State Government may initiate proceeding against the petitioner in accordance with law. Since I have already set aside the proceeding and the punishment thereof, on the sole issue of the competency of the disciplinary authority in

initiating the joint proceeding against the petitioner alongwith another person, I do not feel it necessary to enter into the merits of other issues as raised in the present writ petition."

9. A bare perusal of the relevant para-19 of the impugned order dated 08.10.2021 reveals that the Hon'ble Single Judge held the Joint Inquiry against the petitioner and the another as unauthoritative and illegal vitiating the entire proceeding. However, Hon'ble Single Judge further observed that the competent authority of the State-Government may initiate the proceeding against the petitioner in accordance with law. As such, this Court is of the view that in the said impugned order the Hon'ble Single Judge has only struck down the Joint Inquiry but gave ample scope to the State to proceed against the respondent-petitioner in accordance with law. But, instead of adhering to the said observation, the State filed this present writ appeal challenging the said order. The same is not appreciated by the Court.

10. As such, in view of the above, this present writ appeal is dismissed confirming the impugned Order of the Hon'ble Single-Judge dated 08.10.2021.

11. Accordingly, stay if any stands vacated. Pending application(s), if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

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