

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 433 of 2023

Sri Nandan Pal

---Appellant(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Appellant(s)	:	Mr. Somik Deb, Sr. Advocate. Mr. P. Chakraborty, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.
Date of hearing and date of judgment and order	:	11.09.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard Mr. Somik Deb, learned counsel assisted by Mr. P. Chakraborty, learned counsel appearing for the petitioner and also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents.

[2] This is a petitioner under Article 226 of the Constitution of India seeking the following relief(s):

- (i) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing the respondents, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Memorandum dated 10.03.2021 (Annexure-19 supra);*
- (ii) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for mandating/directing the respondents, to forthwith revoke/rescind the impugned Memorandum dated 10.03.2021 (Annexure-19 supra), and thereupon, release the salary & allowances, payable to the petitioner, for the period, with effect from 01.04.2020 to 07.08.2020;*
- (iii) *Call for the records appertaining to this petition;*
- (iv) *After hearing the parties, be pleased to make the Rule Absolute in terms of i. to ii. above;*
- (v) *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;*

[3] It is the case of the petitioner that on 17.01.2020, the petitioner was transferred from South Tripura Zilla Parishad to Dukli RD Block, with a direction that

he should join his duties, on or before 29.01.2020. On 24.03.2020, the District Panchayat Officer, South Tripura District issued a Release Order. On 15.04.2020, the petitioner submitted a representation to the Secretary, South Tripura Zilla Parishad on 15.04.2020. On 18.04.2020, a meeting was held in the conference hall of the Office of the South Tripura Zilla Parishad with certain Agenda. On 13.05.2020 & 06.06.2020, the petitioner submitted representations. On 07.08.2020, the petitioner had handed over the charge to Sri Anish Debnath, Assistant Director of Panchayats on 07.08.2020. On 06.01.2021, this Court passed an Order in WP(C) No.781 of 2020. On 15.01.2021 & 18.02.2021, the petitioner submitted representations. On 23.02.2021, the District Magistrate & Collector, South Tripura District issued a letter to the Director of Panchayats, Government of Tripura, *inter alia* noting the regularization of pay & allowances of the petitioner. On 10.03.2021, the Director of Panchayats, Government of Tripura issued a Memorandum *inter alia* alleging that the petitioner did not perform his official duties with effect from April, 2020 to 7th August, 2020, and such period has been treated as "dies non", without break in service, no prior Show Cause or any disciplinary proceeding was initiated against the petitioner before treating Dies non. Hence, this writ petition is presented.

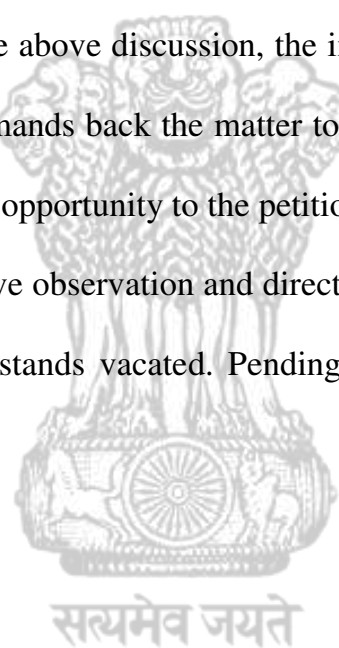
[4] On the contrary, Mr. M. Debbarma, learned Addl. GA appearing for the respondents has contended before this Court that since the petitioner has been unauthorizedly absent from duty w.e.f. 01.04.2020 to 07.08.2020, his salary and other allowances for those day has been stopped. Moreover, according to the respondents, the petitioner has not worked in South Tripura Zila Parishad Office after date of his release from 24th March, 2020 and subsequently the absent period of the petitioner has been treated as 'dies-non' by a memo dated 10th March, 2021.

[5] Having considered the submission as advanced by the learned counsel for the parties and also having perused the record, this court is of the opinion that the

impugned order 10.03.2021 is not a reasoned order. The respondent before passing such adverse decision order ought to have given adequate opportunity to the petitioner to have his say. Therefore, it appears to this court this is a fit case for remanding back the matter to the respondents for meeting the proper ends of justice. The respondents are therefore directed to provide adequate opportunity to the petitioner to submit his grievances in black and white for the period in question. On receipt of such explanation from the petitioner, the respondents shall pass a reasoned order in accordance with law as expeditiously as possible. In the event, if the explanation, that would be so submitted by the petitioner is found unsatisfactory, the respondents are at liberty to initiate disciplinary proceeding against the petitioner.

[6] In view of the above discussion, the impugned order dated 10.03.2021 is set aside and this Court remands back the matter to the respondents to pass a reasoned order after giving adequate opportunity to the petitioner.

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



JUDGE