

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 468 of 2024**

Sri Ashes Deb

.....Petitioner(s)

Versus

The State of Tripura & Ors.

.....Respondent(s)

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate.
Mr. P. Chakraborty, Advocate.

For Respondent(s) : Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

15.07.2024

Heard Mr. Somik Deb, learned Sr. Counsel assisted by Mr. P. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. Government Advocate, appearing for the respondent-State.

[2] This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"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, to shall not be issued, for directing them, to transmit the records lying with them for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned letter dated 29.01.2021.

ii. Issue 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 them, to forthwith to revoke/rescind thee impugned letter dated 29.01.2021 thereby mandating/directing them to forthwith revalidate the enlistment of the petitioner as a Class-I Contractor.

iii. Issue rule, calling upon the respondents and each one of them to show cause as to why a writ of prohibition and/or in the nature thereof, shall not be issued for restraining/prohibiting them from acting in any manner in furtherance of the impugned letter dated 29.01.2021 till the final disposal of this writ petition.

iv. In the Ad-interim and thereafter, on hearing the parties, in the interim, an order in terms of relief (iv)

v. Call for the records appertaining to this petition.

vi. After hearing the parties, be pleased to make the rule absolute in terms of i. to iv above.

vii. Costs of and incidental in this proceedings.

[3] Brief facts of the case is that the petitioner is a Class-1 Contractor. He filed an application on 23.12.2020 praying for revalidation of his enlistment. Thereafter, on 25.01.2021 a reminder letter raising the same issue. Based on these letters the respondents passed an order dated 29.01.2021, citing that the works of the petitioner is unsatisfactory hence, they regret to re-validate the enlistment of the petitioner. It is pertinent to mention here that prior to that order a memorandum dated 16.07.2020 was issued against the petitioner wherein it was alleged that the performance of the petitioner to be unsatisfactory and asked to explain. Thereafter, petitioner submitted a letter in response to that but it evokes no reply from the respondents. Lastly, the petitioner submitted another letter but the same is also unattended.

[4] Being aggrieved and dissatisfied with the impugned order dated 29.01.2021, the petitioner herein filed this present writ petition for setting aside/ quashing the impugned order.

[5] On the other hand, Mr. M. Debbarma, learned Addl. GA submits before this court that the impugned order in question has already been over and needs no interference.

[6] After perusal of the record, this court is of the opinion that passing of the impugned order without providing report of allegation on docket basis is the violation of principle of natural justice and accordingly the impugned order dated 29.01.2021 is set aside. The respondents are directed to pass a speaking order upon the explanation submitted on 07.08.2020 to the memorandum dated 16.07.2020. The respondents are

further directed to pass a speaking order, upon the re-validation application dated 23.12.2020 and a reminder letter dated 25.01.2021 and provide all reports, which the respondents are relying against the petitioner at the earliest. This exercise shall be completed as early as possible, preferably within a period of 02(two) months, from the date of receipt of the copy of this order.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

HIGH COURT OF TRIPURA



सत्यमेव जयते

Paritosh

SABYASACHI
GHOSH

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