

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 496 OF 2024

Sri Tapan Malakar, s/o Bibhuti Malakar,
R/o South Rajnagar, P.O. Rajnagar, Belonia, Dist.South Tripura,
Pin-799155.

... **Petitioner.**

Vs.

1. The State of Tripura, to be represented by the Secretary,
Department of Home, Government of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, Agartala, West Tripura, PIN 799010.

2. The Director General of Police, Department of Home,
Govt. of Tripura, Akhaura Road, Agartala, West Tripura.

3. The Superintendent of Police, Gomati District, Udaipur, Tripura.

... **Respondents.**

For the petitioner (s) : Mr. Samarjit Bhattacharjee, Advocate.

For the respondent (s) : Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

07.09.2024

Order

By means of filing the instant writ petition, the petitioner has
prayed for 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 directing the Respondents to place the
Petitioner in his previous pay scale which he was earlier
before the D.O. No. 901/2015, dated, 08.06.2015 along with all
consequential and incidental benefits including all arrear pay
w.e.f. 22.04.2016.*

(ii) Make the rules absolute.

(iii) Call for records.

*(iv) Pass any further order/orders as this Hon'ble
High Court considered fit and proper.”*

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner and Mr. K. De, learned Addl. G.A. appearing for the State-respondents.

From the submissions of learned counsel appearing for the parties, it appears that in a departmental inquiry the petitioner having found guilty, his pay scale was reduced to lower scale for one year. It was also stated in the impugned order of penalty that after expiry of one year he would be entitled for his legitimate pay scale. But, after expiry of one year, the legitimate pay scale of the petitioner wherefrom it was reduced to a lower scale had not been restored. The petitioner has submitted repeated representations but these were not considered. In view of this, the petitioner has filed the instant writ petition.

I have considered the submissions of learned counsel appearing for the parties. When the matter has come up today, Mr. De, learned Addl. G.A. has placed para wise comments of the writ petition clarifying the stand of the respondents. Mr. De, learned Addl. G.A. has submitted that out of inadvertence the pay scale of the petitioner was not restored after expiry of one year in terms of the order dated 08.06.2015 [**Annexure-5** to the writ petition]. The para wise comments submitted by Mr. De, learned Addl. G.A. be kept with the record.

In view of this, I direct the respondents to restore the original pay scale of the petitioner on and from the next date of expiry of the impugned order dated 08.06.2015 since the pay scale was not restored after expiry of one year. The petitioner is also entitled to arrears of pay including all other financial and service benefits. The arrears shall be paid within three months from today otherwise the entire amount shall carry interest @6% per annum. However, it is made clear that in terms of order dated 08.06.2015 the petitioner will not be entitled to increment for that period of one year.

I find serious negligence on the part of the respondents in not restoring the pay scale of the petitioner. This Court imposes a cost of Rs. 25,000/- (Rupees twenty five thousand) upon the Officer who is responsible for such negligence and harassment to the petitioner.

In view of this, I direct the Director General of Police, Govt. of Tripura to identify the Officer who is responsible for not restoring the pay scale of the petitioner in terms of the order dated 08.06.2015 and on such

identification, the DGP shall command him to pay the said cost amounting to Rs. 25,000/- (Rupees twenty five thousand) to the petitioner within a period of three months from today.

The petitioner is at liberty to approach the Court if the cost of Rs.25,000/- is not paid to him within a period of three months from today. It is further made clear that the State will not bear the amount of cost imposed by this Court. It shall be borne by the Officer concerned who is responsible for not complying the order dated 08.06.2015.

With the aforesaid observations and directions, the instant writ petitions stands allowed and disposed of.

Send a copy of this order to the Director General of Police, Govt. of Tripura, Agartala.

JUDGE



SANJAY GHOSH Digitally signed by SANJAY GHOSH
Date: 2024.09.09 17:46:02 +05'30'

sanjay