

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 533 OF 2023

Shri Arun Chakraborty, son of Late Lalit Mohan Chakraborty,
A.D. Nagar Police Quarter, P.O. A.D.Nagar, Agartala, West Tripura.

...Petitioner

Vs.

- 1. The State of Tripura**, represented by the Secretary to the Government of Tripura, in the Home Department, having Office at Civil Secretariat, P.S. New Capital Complex, Agartala, P.O. Kunjaban, West Tripura.
- 2. Director General of Police**, Government of Tripura, having Office at Akhaura Road, P.O. Agartala, West Tripura.
- 3. Deputy Inspector General of Police**, Government of Tripura, having Office at Akhaura Road, P.O. Agartala, West Tripura.
- 4. Superintendent of Police**, Government of Tripura, having Office at Akhaura Road, P.O. Agartala, West Tripura.

...Respondents.

For the petitioner (s) : Mr. T. Datta Majumder, Sr. counsel.
Mr. D. Kalai, Advocate.

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

HON'BLE MR. JUSTICE ARINDAM LODH

02.07.2024

Order

Heard Mr. T. Datta Majumder, learned senior counsel assisted by Mr. D. Kalai, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. G.A. appearing for the State-respondents.

The petitioner by way of filing the instant writ petition has challenged the punishment of withholding of two increment of pay inflicted upon him with cumulative effect [*Annexure-11* to the writ petition]. It is the case of the petitioner that no inquiry was held at all, though, Articles of Charges were framed against him. The petitioner was asked to submit representation against the Articles of Charges. Accordingly, he submitted representation. The petitioner has further pleaded that prior to commencement of inquiry no show cause notice was issued even, no inquiry report was furnished to the petitioner. The petitioner had asked for certain documents, but, those also were not furnished to him.

On the other hand, it is the pleaded case of the State-respondents that the petitioner had confessed his guilt that he did not disclose the name of engaging source to his superior officers.

On the background of facts, Mr. Datta Majumder, learned senior counsel appearing for the petitioner has submitted that under the Service Rule nowhere it is provided that a police personal should disclose the name of his engaging source to his superior officers. As such, even there is confession about his guilt that is without any legal sanction.

Per contra, Mr. De, learned Addl. G.A. has informed this Court today that though there is no provision of informing the name of engaging source to his superior officers, but the petitioner had confessed his guilt.

Mr. De, learned Addl. G.A. has produced a proceeding file and I have perused the same.

I have considered the submissions of learned counsel appearing for the parties. I have noticed from the proceeding file that there is no charge framed against the petitioner that he committed any misconduct for not disclosing the name of his source to his superior officers. There are other charges framed against him wherein the Inquiring Officer did not record any convincing evidence to substantiate the Articles of Charges framed against him. It is further noticed by this Court that the disciplinary authority imposed penalty upon the petitioner only on the basis of his confessional statement and not on the basis of any findings of the inquiry report holding him as guilty of committing the misconduct alleged in the Articles of Charges. It is apparent on the face of the record that the petitioner has not been given any reasonable opportunity to defend himself. As I said earlier, the findings of the Inquiring Officer, the disciplinary authority as well as the appellate authority are perverse being based on no evidence.

Accordingly, the instant writ petition is allowed and disposed of. The punishment imposed upon the petitioner by the disciplinary authority [*Annexure-11* to the writ petition] as affirmed by the appellate authority [*Annexure-16* to the writ petition] stands set aside and quashed.

The petitioner is entitled to all the service benefits.

The proceeding file is returned to Mr. K. De, learned Addl. G.A.

JUDGE

sanjay