

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 640 of 2024
***Sri Subodh Sarkar* Petitioner(s)**
Versus
***The State of Tripura & Ors.* Respondent(s)**

For Petitioner(s) : Mr. P.Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate

For Respondent(s) : Mr. Kohinoor N. Bhattacharya, G.A.
Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.11.2024

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharya, learned G.A, appearing for the respondent-State. Mr. S. Saha, learned counsel appearing for respondent Nos. 6 and 7.

[2] The brief facts of the case is that the petitioner retired from the service as a Superintendent, Kendriya Sansodhanagar, Bishalgarh, Tripura. After retirement he was entitled to regular monthly pension, full and final payment of gratuity and other retiral benefits. But the said benefit was withheld due to the pendency of the finalization of the departmental appeal filed by the petitioner before the Chief Secretary, Government of Tripura, against the order dated, 17.07.2023 (signed on 26.07.2023) by the Secretary, Home (Jail) Department i.e. the Disciplinary Authority herein. Thereafter, due to the pendency of the appeal the petition also deprived from getting the fruits of the Judgment and Order dated 20.06.2018 passed in WP(C) No. 1174 of 2016 wherein

the Hon'ble High Court directed the respondents to release all retiral benefits of the petitioner within 02(two) months . It is further noticed that provisional pension which was sanctioned in favour of the petitioner was also stopped since, October 2023. Being aggrieved thereby, the petitioner preferred an appeal before the concerned respondent for early disposal of the proceeding and for releasing all retiral benefits in favor of him.

[3] Mr. S. Bhattacharjee, learned counsel appearing for the petitioner submits before this Court that as per the Judgment and Order dated 20.06.2018 passed in WP(C) 1174 of 2016 by this Hon'ble High Court, the petitioner is entitled to all retiral benefits with 9% interest which is also not given due to the pendency of the departmental proceeding. Thereafter, the petitioner again came before this Court, but in the meantime, the departmental proceedings had been ended with imposing penalty of 2% cut from his pension for a period of 01(one) year.

[4] Mr. Bhattacharjee, learned counsel further submits that an appeal was also preferred before the Appellate Authority against that penalty of 2% cut from his pension for a period of 01 year, which is illegal, arbitrary and almost 01 year has already been elapsed although the issue remain unattended.

[5] Heard and perused the evidence on record.

[6] After perusal of the record, it has been seen that the petitioner herein submitted an appeal dated 06.09.2023 addressed to the Chief Secretary, Government of Tripura, ventilating his grievances but the same stood unattended till date.

[7] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the respondent No.1 to consider the appeal dated 06.09.2023 filed by the petitioner at the earliest preferably within a period of 06(Six) months from the date of receipt of the copy of this order. However, if the petitioner is, so aggrieved by the decision taken by the respondent No.1, it is open for him to approach appropriate forum. Further this Court is of the view that the principle of *res-judicata* shall not be applied.

[8] 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

