

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.681 of 2024

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate.
Mr. P. L. Debbarma, Advocate.
For Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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07.11.2024

Heard Mr. Somik Deb, learned senior counsel assisted by Mr. P. L. Debbarma, learned counsel appearing for the petitioner also heard Mr. Kohinoor N. Bhattacharjee, learned G.A. appearing for the respondents.

[2] The present petition has been filed to restore the original contract of the petitioner without any downsizing and the petitioner may be permitted to execute the whole project of imparting employment linked skills and education to 4000 students as per the government approved cost norms.

[3] The petitioner has prayed for 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, shall not be issued for directing them, to transmit the records, relevant to the subject matter of this writ petition for rendering substantive and conscionable justice to the petitioner.

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 them, to forthwith mandating/directing the respondents, to restore the original contract of the petitioner, without any downsizing, and the petitioner may be permitted to execute the whole project of imparting employment linked skills and education to 4000 students, as per the government approved cost norms;

iii. After hearing the parties, be pleased to make the rule absolute in terms of i. to ii. above."

[4] It is the case of the petitioner that the petitioner is into hospitality providing medical services to the society as well as skilled development and proper training as a part of its social responsibility and imparting the need based programs. In the process, the petitioner earlier rendered services in the State of Tripura and due to widespread of COVID-19 the scheme could not be concluded and the matter was referred to arbitration and the same has been ended in favour of the petitioner holding the termination of the services of the petitioner was incorrect and the same

were restored and the prays for restoration of the scheme in favour of the petitioner by treating his status as an ante termination. In this regard, the petitioner has also made his representation dated 28th October, 2024 to the respondents and the same is pending consideration.

[5] The learned Government Advocate for the respondents represented that the matter has to be decided by the government since they have already approached. Mr. S. Deb, learned senior counsel appearing for the petitioner has placed reliance on a decision of the Hon'ble Apex Court in *Anantdeep Singh v. The High Court of Punjab and Harayana at Chandigarh & Another in Miscellaneous Application No.267 of 2024 in Civil Appeal No.3082 of 2022* at paragraph 21 wherein, it has been held as under:

“21. Once the termination order is set aside and judgment of the High Court dismissing the writ petition challenging the said termination order has also been set aside, the natural consequence is that the employee should be taken back in service and thereafter proceeded with as per the directions. Once the termination order is set aside then the employee is deemed to be in service. We find no justification in the inaction of the High Court and also the State in not taking back the appellant into service after the order dated 20.04.2022. No decision was taken either by the High Court or by the State of taking back the appellant into service and no decision was made regarding the back wages from the date the termination order had been passed till the date of reinstatement which should be the date of judgment of this Court. In any case, the appellant was entitled to salary from the date of judgment dated 20.04.2022 till fresh termination order was passed on 02.04.2022. The appellant would thus be entitled to full salary for the above period to be calculated with all benefits admissible treating the appellant to be in continuous service.”

[6] Heard both sides and on perusal of the records, this Court is of the considered view that it is the need of the hour where the State of Tripura has suffered huge natural disaster because of unforeseen flood and affecting the State and its natural resources and also causing huge destruction in the source of employment, education and health.

[7] Now, since the petitioner is before this Court with a submission that they would impart certain skilled education and provide medical support regarding hygiene and other facilities, considering the said submission and after going through the correspondence dated 28th October, 2024 and as per the submissions made by the learned senior counsel that on several occasions some oral requests were made with the respondents, this Court without expressing any opinion on merits, directs the respondents to consider the case of the petitioner with a

pragmatic view and take appropriate decision in accordance with law as early as possible preferably within a period of one month from the date of the receipt of the copy of this order.

[8] In that view of the matter, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

