

**HIGH COURT OF TRIPURA
AGARTALA
WA NO.147 OF 2022**

The State of Tripura and ors.

.....Appellant(s)

Versus

Sri Mithan Das and anr.

.....Respondent(s)

For the Appellant(s) : Mr. D. Sharma, Addl. G.A.

For the Respondent(s) : Mr. A.K. Pal, Advocate.
Mr. T.K. Bhattacharjee, Advocate.

Date of hearing and delivery of
Judgment & Order : 26/02/2024

Whether fit for reporting : No.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

J U D G M E N T & O R D E R (O R A L)

Heard Mr. D. Sharma, learned Addl. G.A. appearing for the appellants as well as Mr. A.K. Pal, learned counsel appearing for the respondents.

2. The contention of the writ petitioner in the writ petition is that by the memorandum dated 02.09.2014 certain imputations were brought against the petitioner primarily on lapses in maintaining the cash books and other allied documents including the imputation of defalcation. Though the departmental inquiry was conducted by the Addl. Commissioner of Departmental Inquiries,

but till now no final order has been passed by the disciplinary authority to the serious detriment of the petitioner. Being situated thus, the petitioner has approached this court by filing this writ petition for quashing and setting aside the departmental proceeding being case No. 59 of 2014 as initiated by the memorandum dated 02.09.2014. The petitioner further submitted that promotion from the grade of the petitioner is due and for pendency of the departmental proceeding, the petitioner may be deprived from such promotion. The elongation of the departmental proceeding is wholly contributable to the respondents and hence, the petitioner may not be allowed to suffer any adverse consequences. After hearing, the Hon'ble High Court directed the respondents to complete the departmental proceeding within four months without fail. If the departmental proceeding is not completed within the stipulated period, the departmental proceeding initiated by the memorandum dated 02.09.2014 shall stand automatically quashed. As the respondents could not complete the Departmental proceeding within stipulated time, the respondents prayed for extension of time to complete the disciplinary proceeding. But by order dated 01-08-2022 the petition for extension of time of the respondents was dismissed.

3. Hence this writ appeal seeking the following reliefs:-

"A) Admit appeal & call for records.

B) Pass order setting aside the Order dated 21- 01-2022 passed by the Hon'ble Single Judge in WP(C) No. 39 of 2022 and Order dated 01-08-2022 passed by the Hon'ble Single Judge in IA 01 of 2022.

C) Pass order staying the operation of the Order dated 21-01-2022 passed by the Hon'ble Single Judge in WP(C) No. 39 of 2022 and Order dated 01- 08-2022 passed by the Hon'ble Single Judge in IA 01 of 2022

D) Pass any other order or Orders as seem fit & proper having regard to the facts & circumstances of the case."

4. When the case is called, Mr. D. Sharma, learned Addl. G.A. appearing for the appellant-State has placed before this Court a proceeding No.F.19(806)/VIG/FOR-2014/19138-142 dated 05.10.2023 wherein the Departmental Proceeding pending against the respondent-writ petitioner, Sri Mithan Das has attained its finality.

5. Hence, in view of such subsequent development, this present writ appeal stands closed. However, if so aggrieved by the said proceeding, it is always open for the respondent-writ petitioner herein to challenge the same.

6. As a sequel, stay if any stands vacated, pending application(s), if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2024.02.28
15:02:34 +05'30'