

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 01 of 2025

Sri Prabir Kumar Ghosh**Petitioner(s)**
State of Tripura & Ors.**Respondent(s)**
Versus

For Petitioner(s) : Mr. S. Lodh, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. GA.
Mr. R. Datta, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

09.01.2025

Heard learned counsel appearing for the parties.

[2] This petition has been filed under Article 226 of the Constitution of India seeking 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 calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner, and for quashing/setting aside the impugned Memorandum No.F.11(12)-GA(AR)/2019/1006-1009 dated 14.08.2023 (Annexure-4 supra) and Memorandum No. F.11(12)- GA(AR)/2019 dated 12.09.2023 (Annexure-6 supra), the order appellate authority No. F.11(12)-GA(AR)/2019/APPEAL/(P-I)/1627-1629 dated 26.12.2023 dated 26.12.2023 (Annexure-8 supra) and Addendum No. F.11(12)-GA(AR)/2019/466-69 dated 22.05.2024 (Annexure-13 supra);*

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 the respondents to revoke/rescind impugned Memorandum No.F.11(12)-GA(AR)/2019/1006-1009 dated 14.08.2023 (Annexure-4 supra) and Memorandum No. F.11(12)- GA(AR)/ 2019 dated 12.09.2023 (Annexure-6 supra), the order appellate authority No. F.11(12)-GA(AR)/2019/APPEAL/(P-I)/1627-1629 dated 26.12.2023 dated 26.12.2023 (Annexure-8 supra) and Addendum No.F.11(12)-GA(AR)/2019/466-69 dated 22.05.2024 (Annexure-13 supra), and thereafter, return the money which was deducted from the pension of the petitioner by the respondents in furtherance of the impugned punishment Order dated 12.09.2023 (Annexure-6 supra).*

iii. *CALL FOR THE RECORDS, appertaining to this petition....."*

[3] Mr. S. Lodh, learned counsel appearing for the petitioner submits before this Court that a joint disciplinary action was initiated by the respondents against one Mr. Sajal Debnath and Mr. Prabir Kumar Ghosh, the petitioner herein. In earlier round of litigation, said Mr. Sajal Debnath filed a writ petition being WP(C) 675 of 2024 before this Court and by order the dated 07.11.2024, this Court summoned the official respondents to appear before this Court on 08.11.2024. Thereafter, the official respondent(s) appeared on 08.11.2024 and apprised this Court that the order of punishment upon the petitioner therein (Sri Sajal Debnath) had been withdrawn by the memorandum dated 07.11.2024.

[4] It is also submitted on behalf of the petitioner that he is also similarly placed situation as the said Mr. Sajal Debnath and earlier, the petitioner herein also filed a writ petition being WP(C) 226 of 2024 before this Court. On 21.03.2024, this Court remanded back the case of the petitioner to the respondents for passing a fresh speaking order in accordance with law. In pursuance of the said order dated 21.03.2024 passed by this Court, the respondents have taken a decision against the petitioner by the proceeding dated 22.05.2024. Aggrieved thereby, the present writ petition is filed.

[5] The contention of the learned counsel for the petitioner is that there cannot be any discrimination. The petitioner is also equally entitled for the relief that has been granted in favour of said Mr. Sajal Debnath. He, therefore, prays for setting aside the impugned proceeding dated 22.05.2024.

[6] During the course of argument, Mr. M. Debbarma, learned Addl. G.A. placed before this Court a memorandum vide No.F.11(12)-GA(AR)/2019/17-19 dated 7th January, 2025, which is extracted hereunder:

"No.F.11(12)-GA(AR)/2019/17-19
GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (AR) DEPARTMENT

Dated, 7th January, 2025.

MEMORANDUM

Memorandum issued vide No. F.11(12)-GA(AR)/2019 dated 12th September, 2023 imposing penalty in connection with Departmental Proceedings against Shri Prabir Kr. Ghosh, TES Gr-IV (Civil), the then Assistant Engineer (now retired) is hereby withdrawn, pending further order.

By order of the Governor,

Sd/-

(N.R.Debbarna)
Under Secretary to the
Government of Tripura"

A copy of the above memorandum be kept with the record.

In pursuance of the above memorandum, since the penalty imposed in connection with the departmental proceedings against the petitioner is withdrawn, nothing survives in the present writ petition for adjudication and accordingly the same is disposed of as infructuous.

As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Sabyasachi G.

SABYASACHI GHOSH

Digitally signed by SABYASACHI
GHOSH
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