

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.209 of 2025

Dr. Shyamal Kumar Saha,
S/o Late Nityananda Saha,
Resident of Rohan Apartment,
Flat No.-1-B, GB-ITI Road,
P.O. Indranagar, Agartala,
District-West Tripura, Retired Grade IV
Of Tripura Health Services.

---- Petitioner(s)

Versus

1. The State of Tripura,
Represented by its Secretary to the
Department of Health, Ministry of Health & Family Welfare,
Govt. of Tripura, P.O.-Secretariat, West Tripura,
Pin-799010.

2. The Director of Health Services,
Govt. of Tripura, Pandit Nehru Complex,
West Tripura, Pin-799006.

----Respondent(s)

For Petitioner(s)	:	Mr. Paramartha Datta, Adv. Mr. Soumya Chaudhury, Adv.
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. GA

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

05/12/2025

Heard Learned Counsel, Mr. Paramartha Datta appearing on behalf of the petitioner. Also heard Learned Addl. GA, Mr. Mangal Debbarma appearing on behalf of the respondents-State.

Taking part in the hearing, Learned Counsel, Mr. P. Datta drawn the attention of the Court that the petitioner being a Medical Officer retired on superannuation from the post of Grade-IV, Tripura Health Service on 31.07.2019. After that, vide notification dated 03.08.2019, the respondent No.1, re-employed the petitioner on contractual basis for a period of 3(three) years in the interest of public service. Accordingly, the petitioner joined and sincerely discharged his duties. It was further submitted by Learned Counsel for the petitioner that before retirement on superannuation

the petitioner was serving as Drawing and Disbursing Officer (hereinafter referred to as "DDO") at ABV Regional Cancer Centre, Agartala for certain period when he noticed that one Sri Debasish Datta, Cashier of the said Cancer Centre committed some irregularities in financial matters. Accordingly, he brought the matter to the notice of Medical Superintendent, RCC, Agartala and Head of Office of RCC, Agartala but no effective step was taken against said Debasish Datta. Rather, the respondent authority instead of taking any action against said Debasish Datta issued show-cause notice against the petitioner and ultimately withheld his salary on the ground of negligence of duties, which compelled him to file the present writ petition for directing the respondents to release his salary for the period w.e.f. 14.08.2019 to 13.08.2022 along with interest.

The respondent contested the proceeding. However, during pendency of the proceeding, the respondents by memo dated 29.05.2025 released the salary of the petitioner amounting to Rs.25,54,200/- for a period of 3(three) years i.e. from 14.08.2019 to 13.08.2022.

Learned Counsel for the petitioner, at this stage, submitted that although the writ petitioner has received the salary from the Department, but he urged for releasing the interest for the late payment of salary.

The respondents countered the submission saying that some irregularities were caused by the petitioner for which he is not entitled to get any interest, but, in this regard no satisfactory documentary evidence could be produced by the respondents. However, Learned Addl. GA, Mr. Debbarma fairly submitted that the salary of the petitioner has been released by this time, so the case may be closed.

It is true that for the period w.e.f. 14.08.2019 to 13.08.2022 the petitioner had to serve under the respondent so, the respondent was under obligation to pay his unpaid salary. But, as the respondents failed to

discharge their duties, so, ultimately the petitioner had to approach before this Court seeking relief. However, by this time salary has been released.

The petitioner, at the time of hearing, relied upon one order of this Court in **WA No.108 of 2024** [titled as **The State of Tripura & Ors. vs. Sri Abhiram Majumder & Anr.**] and submitted that interest at the rate of 9% per annum may be awarded to the petitioner for delayed payment of salary.

To counter the same, Learned Addl. GA could not submit anything.

So, after hearing both the sides, it is ordered that the respondent authority shall make payment of interest at the rate of 9% per annum to the petitioner, for the period for which his salary was withheld and later on paid, within a period of 6(six) weeks from the date of receipt of a copy of this order.

With this observation, the instant writ petition stands allowed and disposed of.

Pending application(s), if any, also stands disposed.

JUDGE

Snigdha

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