

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.437 of 2025

Shri Tarun Debbarma, TCS-SSG,

S/o- Lt. Hakim Debbarma,

Resident of- Nandan Nagar, Opposite Auxilium Girls School, P.O.-
Bankumari, P.S.- New Capital Complex, Agartala, District- West Tripura,
Pin- 799006.

.....Petitioner(s)

- V e r s u s -

1. The State of Tripura,

Represented by the Chief Secretary, Government of Tripura,
Secretariat, New Capital Complex, Kunjaban, P.O.- Agartala, Secretariat
S.O., P.S.- New Capital Complex, Agartala, Tripura (West District),
799010.

2. The Chief Secretary (Appellate Authority),

Government of Tripura, Secretariat, New Capital Complex, Kunjaban,
P.O.- Agartala Secretariat S.O., P.S.- New Capital Complex, Agartala,
Tripura (West District), 799010.

3. The Special Secretary (Disciplinary Authority),

Department of General Administration (Administrative Reforms),
Government of Tripura, Secretariat, New Capital Complex, Kunjaban,
Room No. 1101 (First Floor), P.O.- Agartala Secretariat S.O., P.S.- New
Capital Complex, Agartala, Tripura (West District), 799010.

4. The Inquiring Authority,

Commissioner of Departmental Inquiries, Secretariat, New Capital
Complex, Kunjaban, P.O.- Agartala Secretariat S.O., P.S.- New Capital
Complex, Agartala, Tripura (West District), 799010.

..... Respondent(s)

For the Petitioner(s)	:	Mr. Bibhal Nandi Majumder, Sr. Advocate. Mr. Elembrok Debbarma, Advocate.
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For the Respondent(s)	:	Mr. Saktimoy Chakraborty, Adv. General. Mr. Dipankar Sarma, Addl. G.A.
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Date of hearing and delivery of Judgment & Order	:	12th December, 2025
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Whether fit for reporting	:	NO
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Bibhal Nandi Majumder, learned senior counsel
appearing for the petitioner and Mr. Saktimoy Chakraborty, learned
Advocate General assisted by Mr. Dipankar Sarma, learned Addl. G.A.
appearing for the State-respondents.

[2] It is admitted position that the petitioner joined as a Labour Commissioner on 19.04.2018 at Agartala, and afterwards the following charge were framed against him and other officials of the Labour Department on initiation of a department proceeding against them:

"ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SHRI PANKAJ CHAKRABORTY, TCS, THE THEN LABOUR COMMISSIONER (2) SHRI TARUN DEBBARMA, TCS, THE THEN LABOUR COMMISSIONER (3) SHRI JAYANTA DEBBARMA, TCS, THE THEN JOINT LABOUR COMMISSIONER/SECRETARY, TBOCWW (4) SHRI MUKTIPADA PAUL, TCS, THE THEN DEPUTY LABOUR COMMISSIONER/SECRETARY, TBOCWW (5) SHRI DIPANKAR PAUL, SECTION IN-CHARGE, ENFORCEMENT (6) SHRI TAMOGHNA DEBBARMA, SECTION IN-CHARGE ENFORCEMENT (7) SHRI SUKANTA BISWAS, LDC.

Article-I

That the said Shri Pankaj Chakraborty, TCS while functioning as Labor Commissioner from 15th November, 2017 to 19th April, 2018 (2) Shri Tarun Debbarma, TCS while functioning as Labor Commissioner from 19th April, 2018 to 9th October, 2018 (3) Shri Jayanta Debbarma, TCS, while functioning as Joint Labor Commissioner/Secretary, TBOCWW from May, 2017 to 24th January, 2018 (4) Shri Muktipada Paul, TCS while functioning as Deputy Labour Commissioner/Secretary, TBOCWW Board from 25th January, 2018 (5) Shri Dipankar Paul (Section In-charge, Enforcement), Labour Directorate since 6th June, 2018 (6) Shri Tamoghna Debbarma (Section In-charge, Enforcement), Labour Directorate since 6th June, 2018 (7) Shri Sukanta Biswas, LDC, Labour Directorate – all in the years 2017 and 2018, while handling and processing the selection of M/s Indus Integrated Information Management Limited (IIIML) for conducting training on hair beauty & personal care and on tailoring for 1,943 trainees with the fund of TBOCWW Board failed to observe the codal formalities in the extant General Financial Rules, and Delegation of the Financial Power Rules, Tripura 2017.

By doing the above act, Shri Pankaj Chakraborty, TCS, Shri Tarun Debbarma, TCS, Shri Jayanta Debbarma, TCS, Shri Muktipada Paul, TCS, Shri Dipankar Paul, Shri Tamoghna Debbarma and Shri Sukanta Biswas have failed to maintain integrity, devotion to duty and thus violated the Rule-3 of TCS(Conduct) Rules, 1988."

[3] The Inquiring Officer, after completion of the enquiry, submitted his report on 16.10.2021 holding that prosecution was successful in establishing and sustaining the article of charge against the present petitioner. However, the said Inquiry authority also came to the finding that the charge against the other six accused officers were not proved.

[4] Based on the same, the Disciplinary authority issued a memorandum dated 03.12.2021 (Annexure-5 of the writ petition) to the

petitioner, asking for submission of his representation, if any, on the said findings.

[5] The petitioner accordingly submitted his representation on 28.02.2022 (Annexure-6 of the writ petition). On consideration of the same, the Disciplinary authority issued an order dated 15.01.2025(Annexure-7 of the writ petition), imposing a minor penalty of withholding of 2(two) increments without cumulative effect upon him.

[6] Challenging the same, he submitted an appeal before the Appellate Authority, the Chief Secretary, Government of Tripura on 01.02.2025, taking a specific plea that the petitioner was not connected with the matters relating to the issuance of tender process till it's finalisation as at that time, the petitioner AO was not holding any post under the Labour Department in 2017. He also stated that he worked as Labour Commissioner from 19th April, 2018 to 9th October, 2018, and the tender was finalized before that period. The Appellate authority, vide order dated 04.04.2025, dismissed the appeal with the following observations:

"WHEREAS, the above points as raised by the appellant has been examined and analysed and can be said that the two disciplinary proceedings instituted against the appellant were based on two different set of charges involving the instant appellant, the inquiry was conducted by a duly appointed Inquiring Authority, principles of natural justice were complied and penalty was imposed accordingly commensurating the proven guilt of the appellant. Thus, there is lack of sufficient cause to consider the appeal and to interfere with the order dated 15-01-2025 of the Disciplinary Authority;

NOW THEREFORE, after careful consideration of all relevant aspects the appeal petition of Shri Tarun Debbarma, TCS, the then Labour Commissioner is rejected and the order of the Disciplinary Authority vide No.F.11(9)-GA(AR)/2019(P-I)/85-86 dated 15-01-2025 will remain uphold.

The appeal is thus disposed of."

[7] Mr. Nandi Majumder, learned senior counsel, strenuously argues that the charge was framed with the allegations of irregular handling and processing of selection of M/s Indus Integrated Information Management Limited (IIML) for conducting training on hair, beauty and personal care and also on tailoring but the concerned

agency was already selected vide note No.79 dated 01.11.2017 and he joined there only on 19.04.2018, when all the processes was already completed. However, according to learned senior counsel, the Appellate authority had missed to take note of the same. Learned senior counsel also takes the Court to the findings of the Inquiry authority to show that there was separate disciplinary proceeding bearing No.F.11(7)-GA(AR)/2019/293-95 dated 24.01.2019 initiated against the petitioner and against the decision of said proceeding, WP(C) No.439 of 2025 is filed by him but illegally the Inquiry authority had taken into consideration the materials placed in the enquiry with reference to charge of said disciplinary proceeding and thereby erroneously came to the findings that the petitioner was guilty of the charge framed against him in this case.

[8] Mr. Chakraborty, learned Advocate General opposes the submission of learned senior counsel, Mr. Majumder, submitting that the plea now being raised by the petitioner in this writ petition was neither raised before the Inquiring authority nor before the Disciplinary authority. Therefore, the Appellate authority had no obligation to consider such a plea.

[9] Considered the submissions of both sides and also perused the record. As already stated above, the primary ground as raised above, in this writ petition, was also raised by the petitioner in the appellate authority through his memo of appeal. However, no specific finding has been rendered by the Appellate authority on that point.

[10] In view of the provisions of Rule 27(2)(b) of CCS(CCA) Rules, the Appellate authority is required to give a findings on the correctness of the findings of Disciplinary authority after taking into consideration the plea raised by the accused officer in the appeal. The Appellate authority, without entering into such point raised by the

petitioner, disposed of the appeal by making a general observations that the points raised by the petitioner were examined and analyzed and that the enquiry was conducted by a duly appointed Inquiry authority and the principles of natural justice was complied with and the penalty imposed was also commensurating with the guilt of the petitioner and ultimately dismissed the appeal. However, the said point as raised by the petitioner was not dealt with.

[11] In view of above, the order dated 04.04.2025 passed by the Appellate authority is hereby quashed. The matter is remanded to the Appellate authority for taking a fresh decision in accordance with law within 4(four) weeks of receipt of copy of this order.

With such observations and directions, the writ petition is disposed of.

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

JUDGE