

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.439 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,

Secretary to the Government of Tripura, 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.

For the Respondent(s) : Mr. Saktimoy Chakraborty, Adv. General.
Mr. Dipankar Sarma, Addl. G.A.

Date of hearing and delivery : **12th December, 2025**
of Judgment & Order

Whether fit for reporting : **NO**

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] After initiating a departmental proceeding, the following charges was framed against the petitioner while he was functioning as the Labour Commissioner, Government of Tripura, Agartala.

"ANNEXURE-I

Statement of Articles of charge framed against Sri Tarun Debbarma, TCS, SSG, the then Labour Commissioner, Government of Tripura (now under suspension).

Article-1

Sri Tarun Debbarma, TCS, SSG, while functioning as Labour Commissioner, personally, unauthorizedly and deliberately took away file No.F.21(35)-LAB/ENF/CONS/TRAINING/2015 of Labour Directorate on 6 October, 2018 from the office of the Secretary (Labour) / Principal Secretary holding the charge of Labour Department even though the file was not marked to him, but was marked on a sticker to Principal Secretary (Labour) for discussion with Principal Secretary to Chief Minister, and Sri Debbarma personally took away the file without permission, and without recording in the file movement register and behind the back of the Principal Secretary (Labour). Sri Debbarma then himself marked the file to Secretary (Labour Board) (Sri Muktipada Pal, Deputy Labour Commissioner) for issuing work order. This way, Sri Debbarma actively prevented Principal Secretary (Labour) to discuss the matter with Principal Secretary to CM as part of official responsibility and for consideration at the minister level, and indulged in anarchy with government documents and Government decisions, and also indulged in insubordination.

Thus, Sri Debbarma failed to maintain absolute integrity and devotion to duty, and indulged in dereliction of duty, thereby violated Rule-3 of the Tripura Civil Services (Conduct) Rules, 1988."

"ANNEXURE-I

Statement of Articles of charge framed against Sri Tarun Debbarma, TCS, SSG, the then Labour Commissioner, Government of Tripura (now under suspension).

Article-2

Sri Tarun Debbarma while functioning as Labor Commissioner on 6 October removed the sticker in the note sheet in the file number 21(35)-LAB/ENF/CONS/TRAINING/2015 of Labor Directorate after note number 116 with comments recorded by Principal Secretary to CM, and also struck off the endorsement made by Principal Secretary (Labor) to Hon'ble Chief Minister (Labor) in the note-sheet, and instead Sri Debbarma himself approved the proposal in note sheet, and directed Secretary Labor Board to issue work order. Sri Debbarma did all these by taking away the file from the secretariat without authorization and without consideration at the minister level. This way, Sri Debbarma indulged in gross manipulation and falsification of official records.

Thus, Sri Debbarma failed to maintain absolute integrity and devotion to duty, and indulged in dereliction of duty, thereby violating Rule 3 of Tripura Civil Services (Conduct) Rules, 1988."

"ANNEXURE-I

Statement of Articles of charge framed against Sri Tarun Debbarma, TCS, SSG, the then Labour Commissioner, Government of Tripura (now under suspension).

Article-3

Sri Tarun Debbarma while functioning as Labor Commissioner on 6 October indulged in an act to actively prevent due scrutiny by higher authorities of his proposal and actions taken in the Labor Directorate on award of training by Tripura Building and Other Construction Workers' Welfare (TBOCWW) Board to M/s Indus Integrated Information Management Limited

(IIIML). Instead, Sri Debbarma hurriedly approved at his level on 6 October 2018 the proposal on training involving huge expenditures, even though the proposal was not marked to him for taking the decision. This way, Sri Debbarma showed lack of integrity.

Thus, Sri Debbarma failed to maintain absolute integrity and devotion to duty, thereby violating Rule 3 of Tripura Civil Services (Conduct) Rules, 1988."

[3] The Inquiry authority after completion of the enquiry, submitted its report on 17.10.2022 (Annexure-6 of the writ petition), holding that prosecution was able to establish and sustain article of charge fully brought against the AO.

[4] Thereafter, the Disciplinary authority issued an order dated 04.04.2024 (Annexure-7 of the writ petition), based on that enquiry report imposing minor penalty of withholding of 2(two) increments without cumulative effect upon the petitioner. On 01.02.2025, the petitioner preferred an appeal before the Appellate authority, the Chief Secretary, Government of Tripura, with a delay of some days in preferring the appeal. Alongwith the same, a petition for condonation of delay of 258 days was also filed before the Appellate authority. While taking into note of both the memo of appeal and the petition for condonation of delay, the Appellate authority ultimately passed an order on 19.04.2025 with the following observations and decisions:

"WHEREAS, the said order of penalty was received by the appellant on 22-04-2024 and the appeal petition submitted by the appellant after a period of 308 days without raising any acceptable cause for not preferring the appeal on time;

AND

WHEREAS, after submission of the appeal petition on 01-02-2025, the appellant later on 17-03-2025 submitted a condonation of delay after a gap period of 16 days on the pretence of another pending disciplinary proceeding as the reason for not preferring the appeal on time, which is again not a viable cause/ground to consider. The appeal is prima facie barred by law. The appellant cannot reignite his rights after sleeping on it for 324 days. The appeal is indeed barred by limitation.

NOW THEREFORE, in light of the Rule-25 of the CCS(CC&A) Rules, 1965, the appeal petition of Shri Tarun Debbarma, TCS, the then Labour Commissioner is not entertainable, hence, the appeal petition is rejected."

[5] Mr. Nandi Majumder, learned senior counsel submits that the order passed by the Appellate authority seriously suffers from lack

of reasoning as the petition for condonation of the delay was not properly dealt with by the Appellate authority and without taking into consideration the grounds raised in the said petition, in a mechanical manner both the appeal and the petition for condonation of delay were disposed of.

[6] Mr. Chakraborty, learned Advocate General submits that there was long delay in preferring the appeal without giving any proper explanation thereof by the petitioner, and therefore, the Appellate authority was justified in rejecting the appeal.

[7] Court has considered the submissions of both sides and taken into note of the materials placed in the record. Not only the Judicial authority but also the Administrative authority dealing with quasi-judicial matters are also required to give reasons behind their decision. Hon'ble Supreme Court in the case of **S.N. Mukherjee vs. Union of India; (1990) 4 SCC 594**, observed that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.

[8] On perusal of the order of the Appellate authority, it appears that no reasoning was given by the said Appellate authority as to why the petition for condonation of delay was not allowed. The impugned order suffers from lack of reasoning.

[9] Considering thus, the writ petition is allowed. The order dated 19.04.2025 passed by the Appellate authority is quashed. The Appellate authority shall decide the petition for condonation of delay by passing order with proper reasoning first within 4(four) weeks of receipt of copy of this order and in case same is allowed, the said authority will decide the main appeal on merit expeditiously in due course.

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

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

JUDGE



MUNNA
A SAHA

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