

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 689 of 2024

Shri Ruhi Chandra Tripura

S/O Shri Arjun Kumar Tripura.
Resident of Budhi Chandra Para,
Manubazer, P.O. Manubazer,
District South Tripura.

.....Petitioner(s).

Versus

1. The State of Tripura

Through the Secretary, Department of Home, Government of Tripura, Having office at Civil Secretariat, New Capital Complex.
P.O. Kunjaban, Agartala, West Tripura.

2. Director General of Police,

Government of Tripura,
Having office at Fire Brigade Choumohani,
P.O. Agartala, West Tripura.

3. Commandant,

9th Bn Tripura State Rifles,

Government of Tripura,
Having office at Hichacherra,
P.O. Jolaibari, South Tripura.

4. Deputy Inspector General of Police, TSR(OPS-I)

Government of Tripura.
Having office at Srinagar, Near TV Tower.
Agartala, West Tripura.

5. Inspector General of Police (TSR-OPS)

Government of Tripura.
Having office at Police Head Quarter (PHQ).
Fire Brigade Choumohani, Agartala.
P.O. Agartala, West Tripura.

.....Respondent(s).

For Petitioner (s)	:	Mr. Tapash Datta Majumder, Sr. Adv.
	:	Ms. R. Debbarma, Adv.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A.
Date of Hearing & Date of Judgment	:	15.05.2025
Whether fit for reporting:	:	No

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard Mr. Tapash Datta Majumder, learned senior counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. appearing for the State-respondents.

[2] It is the case of the petitioner that he was working as a Constable in 9th BN TSR. On 13.10.2022, he was served with a memorandum relating to initiation of a departmental proceeding against him with the allegation that he had conducted second marriage with one Smt. Rabi Laxmi Debbarma on 25.02.2022 at Karbook without the consent of and intimation to his first wife. Alongwith said memorandum, the article of charge, statement of imputations of misconduct or misbehavior in support of article of charge, list of documents and list of names of witnesses were supplied to him. He thereafter submitted his written statement against the charge.

[3] The enquiry officer after conducting the enquiry submitted his report dated 12.08.2022 (*Annexure-R/2*) to the Disciplinary Authority i.e. Commandant, 9th BN TSR (IR-IV), Hichacherra, South Tripura. Thereafter, a provisional order dated 09.04.2023 (*Annexure-5*) based on said enquiry report was issued to the petitioner by the Commandant giving him opportunity for making representation on the proposed punishment of 'Removal from service which shall not be a disqualification for future employment under the Government' within 15 days from the date

of issue of said order. Thereafter, one representation was submitted under Annexure-6 by the petitioner on 23.04.2023. Thereafter, on consideration of said representation the Disciplinary Authority passed the final order on 28.04.2023 by imposing the major punishment of removal from service upon the petitioner which shall not be a disqualification for future employment under the Government. Thereafter, the petitioner preferred one appeal which was also rejected on 21.10.2024 (*Annexure-10*) observing that there was no procedural lacuna in conducting of Departmental Proceeding and findings of the Enquiry Officer as well as Disciplinary Authority were supported by the evidence and the imposed penalty was also proportionate. However while appeal was pending, challenging the said order of the Disciplinary Authority imposing such penalty was challenged in the instant writ petition and during pendency of the writ petition the appeal was also disposed of by the Appellate Authority and therefore, the final order passed in the appeal was also challenged in this writ petition.

[4] During hearing Mr. Tapas Datta Majumder, learned senior counsel mainly pressed two issues: firstly that in compliance with the provision of sub-rule (2) of Rule 15 of CCS (CCA) Rules as applicable in case of TSR Personnel in terms of Rule 40 of Tripura State Rifles (Discipline, Control, Service Conditions etc.) Rules, 1986, no copy of enquiry report was supplied to the petitioner alongwith said provisional order dated 9.4.2023 incapacitating him from giving proper reply against said provisional order, and

secondly, that during pendency of the disciplinary proceeding, by a letter dated nil (*Annexure-3 of the writ petition*) the petitioner applied for supply of documents as mentioned in Annexure-III of the memorandum dated 13.10.2022 and the copy of the statements of witnesses recorded during preliminary enquiry, but the Enquiry Officer did not respond to said letter and also did not furnish the documents as were asked for. According to Mr. Datta Majumder, learned senior counsel the entire Departmental Proceeding has been, therefore, vitiated for violation of principle of nature justice and also for violation of statutory provision of Rule 15(2) *supra* and, therefore, the final order passed by the Disciplinary Authority as well as the final order passed by the Appellate Authority are required to be quashed.

[5] Learned G.A., on the other hand, submits that list of documents as well as list of names of witnesses as were annexed with the said memorandum dated 13.10.2022 were duly supplied to the petitioner and copy of the preliminary enquiry report was also supplied to him. According to learned G.A., there was no violation of any provision of any statutory rule or principle of nature justice in this case either by the disciplinary authority or by the inquiring officer and therefore, the writ petition is liable to be dismissed.

[6] This Court has given due consideration to the submissions of learned counsel of both sides. So far the first point of challenge as raised from the side of the petitioner that copy of

the enquiry report was not supplied to him, is concerned, sub-rule 2 of Rule 15 of CCS(CCA) Rules clearly mandates that Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the enquiry, along with it's own observation of proposed punishment to the delinquent employee. In this regard, nothing could be shown from the side of the respondents that copy of the final enquiry report was furnished to the petitioner along with the said provisional order dated on 09.04.2023 (*Annexure-5*). In the counter affidavit, no direct assertion is also made by the Respondent that said enquiry report was furnished to the petitioner in due process, rather it has been asserted by the respondents that the petitioner after completion of hearing of the prosecution witnesses never demanded for supply of findings of the enquiry authority. Therefore, in absence of any proof of supply of copy of the final enquiry report to the petitioner, the final order passed by the disciplinary authority imposing such punishment has become illegal and ultra vires and, therefore, same is required to be interfered with and quashed.

[7] In view of the above discussions, the writ petition is allowed. The impugned order dated 28.04.2023 passed by the Disciplinary Authority (*Annexure-7*) and impugned order dated 21.10.2024 passed by the Appellate Authority (*Annexure-10*) are quashed. The Disciplinary Authority is directed to decide the matter afresh by furnishing copy of the final enquiry report to the petitioner and by giving him opportunity to submit a fresh representation there against. So far the second point of challenge

regarding non furnishing of documents and statement of witnesses recorded during preliminary enquiry is concerned, the Disciplinary Authority will dispose of the said petition of the petitioner in accordance with law before taking any final decision in the said disciplinary proceeding.

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

The interim application(s), if any, also stands disposed of.

HIGH COURT OF TRIPURA



JUDGE

SATABDI DUTTA

Digitally signed by SATABDI
DUTTA
Date: 2025.05.15 18:15:05 +05'30'

Riki

सत्यमेव जयते