

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.666 of 2024

1. Tripura Gramin Bank to be represented by its General Manager (HRD) having Head Office at Abhoynagar, Agartala, Post Office- Abhoynagar, Pin-799005

2. The General Manager (HRD), Tripura Gramin Bank, having Head Office at Abhoynagar, Agartala, Post Office- Abhoynagar, Pin-799005

3. The Branch Manager, Tripura Gramin Bank, Hrishyamukh Branch, Hrishyamukh, South Tripura District, Pin-799156

.....Petitioner(s);

Versus

1. The Government of Tripura represented by Chief Secretary, Secretariat Building, New Capital Complex, P.S. NCC, Agartala, West Tripura

2. Tripura Human Rights Commission represented by its Secretary having address at Kunjaban Township Agartala, West Tripura District, Pin-799006

3. Sri Swapan Bhowmik, S/o Late Ananda Chandra Bhowmik, residing at Hrishyamukh, P.S. Belonia, Dist: South Tripura, Pin-799156

.....Respondent(s).

For Petitioner(s) : Mr. Prabir Saha, Advocate.

For Respondent(s) : Mr. K.N. Bhattacharyya, G.A.,
Mr. Mangal Debbarma, Addl. G.A.,
Mr. Anjan Kanti Pal, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Date of hearing and judgment : **09.12.2025**

Whether Fit for Reporting : **NO**

JUDGMENT & ORDER (ORAL)

(M.S. Ramachandra Rao, C.J.)

This Writ Petition has been preferred by the Tripura Gramin Bank challenging Orders No.11 & 12 dt.23.08.2024 and 23.09.2024 of the second respondent – Tripura Human Rights Commission [“Commission”, *for short*] in Complaint No.88 of 2023.

2. The third respondent had approached the second respondent-Commission with the said complaint alleging that he was working as a

Sanitization Worker in the Branch Office of the Tripura Gramin Bank at Hrishyamukh since 2009, that he was then engaged as a DRW with effect from 24.12.2012 instead of as a Sanitation Worker; but thereafter the petitioner-Bank had engaged another Sanitation Worker in the Branch instead of regularizing his services against a created post since he possesses sufficient qualification. He alleged that in spite of his sincere work for a long period, the petitioner created a situation making him leave the work.

3. The Commission then issued notice to the petitioner and then passed the order on 23.08.2024 stating that it was satisfied that by not allowing the third respondent to serve in the petitioner-Bank without any written accepted reasons, the petitioner deprived the third respondent of his livelihood and thus violated right to life of the third respondent.

4. It observed that it would be difficult for third respondent to shift to any other profession to maintain his livelihood and to continue the expenses of education of his children, and the right to life of the third respondent with dignity had been shaken.

5. The Commission then concluded that it was improper to discontinue the engagement of the third respondent as DRW by the Branch Manager, Hrishyamukh Branch of the petitioner-Bank without giving him an opportunity to clarify or explain certain allegations leveled against him.

6. The Commission then posted the matter to 23.09.2024 for filing of Action Taken Report (ATR) by the petitioner.

7. On that date, the General Manager of the petitioner-Bank prayed for grant of four weeks.

8. The third respondent also sought a clarification of the order passed by the Commission on 23.08.2024, but the Commission did not clarify its order in his favour as sought by him. It then adjourned the matter to 24.10.2024 for reporting of the action taken.

9. Challenging the same, petitioners filed this Writ Petition.

10. On 18.10.2024 in IA No.01/2024, this Court directed that no coercive action be taken by the second respondent upon the impugned orders dt.23.08.2024 and 23.09.2024 against the petitioners.

11. This was reiterated on 23.07.2025 holding that the Commission *prima facie* had no jurisdiction in respect of service matters of the nature mentioned in the impugned order passed by it on 23.08.2024 in Complaint No.88 of 2023 at the instance of respondent No.3, and stay was granted of the order dt.23.08.2024 passed by the Commission until further orders.

12. Today the matter is listed for hearing.

13. Counsel for the petitioners contended that the second respondent-Commission had been constituted under the Protection of Human Rights Act, 1993. As per the Tripura Human Rights Commission Regulations, 2022 and in particular, Regulation 9 thereof complaints relating to service matters or industrial disputes are not ordinarily entertainable by the Commission, but in spite of the said prohibition, not only was the complaint filed by the third respondent in relation to his service dispute entertained by the Commission, but the impugned orders have also been passed on 23.08.2024 and 23.09.2024.

14. Counsel for petitioners also placed reliance on the judgment dt.10.12.2024 passed by this Court in WP(C) No.542/2024 being ***Union of India & others v. Smt. Jyoti Bhowmik & others***.

15. Counsel for the third respondent however refuted the said contention, and supported the orders passed by the Commission.

16. The Protection of Human Rights Act, 1993 defines the term “human rights” in Section 2(d) thereof meaning that they are rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

17. Section 29 of the Act applies to the State Commission for Human Rights, the provisions relating to the functions of the National Commission contained in Section 12 of the said Act, and enables the State Commission to enquire into complaints of violation of human rights or abetment thereof, or negligence in the prevention of such violation by public servant.

18. In exercise of the power conferred by sub-Section (2) of Section 10 read with Section 29 of the Protection of Human Rights Act, 1993, the Tripura Human Rights Commission had made certain regulations.

19. Regulation 9 sets out complaints which are not ordinarily entertainable by the said Commission, and in Clause (d) thereof, there is a mention of complaints relating to “service matters or industrial disputes”.

20. In the impugned order dt.23.08.2024 passed by the Commission, there is no reference to the above regulation or consideration as to whether the complaint raised by the third respondent would indeed fall within the definition of the term ‘human rights violation’.

21. No doubt, in Para 13 of its order, the Commission had recorded that it had inherent jurisdiction to recommend action for protection of human rights of an individual/citizen, if it is found that human rights as defined under

the Act are infringed by a public servant or authority; and that right to life is a most important fact of human right, which seems to have been taken away whimsically, which needs action according to law.

22. Thus the Commission appears to have adopted an expansive definition of the term “human rights”.

23. Such interpretation is not warranted as held in the judgment in ***Union of India & others*** referred to supra.

24. In Para 11, 12 & 13 of the said judgment, it is stated as under:

“11. The regulations of 2022 have been framed by the learned Commission in exercise of the powers under Section 10(2) read with Section 29 of the Act of 1993. The Commission has consciously chosen to exclude class of complaints which relate to civil disputes, such as property rights, contractual obligations or are relating to service matters or industrial disputes or are allegations relating to public servant or those which do not make out any specific violation of human rights. The regulation 9 also excludes matters which are sub-judice before a Court or Tribunal or which are covered by a judicial verdict or decision of the Commission. The underlying purpose for framing such a regulation under the parent Act of 1993 is to exclude categories of complaints which do not fall in the category of human rights violation and otherwise are subjected to the jurisdiction of ordinary Courts or specialized Tribunals or the High Courts.

12. We are constrained to say that the learned Commission failed to notice the very provision under the regulation 9 framed by itself while proceeding to entertain a claim which does not fall in the category of human rights violation. If such an expansive definition of human rights is read into Section 2(d) of the Act, it would erode the very purpose of creating a Commission under the Protection of Human Rights Act, 1993, specifically meant to deal with complaints relating to violations of human rights, i.e. rights which are basic, inherent, immutable and inalienable to a person

*simply by virtue of his being born a human. The present case definitely does not fall in that category as such a claim by the respondent would not have arisen or be enforceable, had she not been the widow of an employee dying in harness under the Postal Department. The claim for compassionate appointment is on account of being a dependant of an employee dying in harness under the State or its instrumentality. Compassionate appointment is an exception to the general rule under Article 14 of the Constitution of India which guarantees equality in public employment. Reference is only made to the case of **Umesh Kumar Nagpal vrs. State of Haryana** reported in (1994) 4 SCC 138 rendered by the Apex Court for that purpose.*

13. *In view of the aforesaid reasons, we are satisfied that the writ petition deserves to be allowed. While passing the order, we deem it appropriate to observe that the Commission should refrain from entertaining such matters which are excluded under the Regulations of 2022 otherwise the Commission may be drawn on a slippery course likely to cause not only errors of jurisdiction but also a flood of unwanted litigations when the aggrieved person may have a statutory or constitutional remedy elsewhere before the appropriate forum or Court of law. The impugned order dated 08.07.2024 is accordingly set aside. The writ petition is allowed.”*

25. We completely agree with the above reasoning of the Division Bench and hold that service disputes cannot be converted into disputes pertaining to violation of human rights to enable the Commission to entertain complaints relating to such service disputes as observed in Para 13 of the judgment in **Union of India & others**.

26. At Page 112 of the material papers filed by the petitioners, there is a letter dt.06.02.2024 indicating that the third respondent had already approached the Labour Directorate of Agartala, West Tripura with regard to

his retrenchment, and it is stated across the Bar that the said complaint has been dismissed subsequently.

27. Be that as it may, since the Commission has no jurisdiction to entertain disputes of service nature dealt in the impugned orders, granting liberty to respondent No.3 to avail any other alternative remedy available to him at law, the impugned Orders No.10 and 11 both dt.23.08.2024 passed by the Commission are set aside, and the Writ Petition is allowed. No costs.

28. Pending application(s), if any, shall stand disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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