

**HIGH COURT OF TRIPURA
AGARTALA**

Review Petn. 33 of 2024.

Smt. Imala Marak

.....Petitioner(s)

Versus

The State of Tripura & Ors.

.....Respondent(s)

For Petitioner(s) : Mr. A. Acharjee, Advocate.

For Respondent(s) : Mr. Kohinoor N. Bhattacharya, GA.
Mr. D. C Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

06.01.2025

Heard learned counsel for the parties.

[2] The brief facts of the case is that the petitioner herein is the wife of the late husband, who was working as Ex-helper under the Executive Engineer, Udaipur Division, P.W.D (R & B), Gomati Tripura went to his office on 14.02.2005 but on that day surprisingly he was missing from the office. Thereafter, the late husband of the petitioner did not return to his office and subsequently, he was dismissed from service by a memo dated 07.11.2005. The petitioner herein moved before this Hon'ble Court but the prayer of the petitioner was dismissed on the ground of laches. After that the petitioner preferred an appeal before the Division Bench of this Hon'ble Court for setting aside the order of Hon'ble Single bench dated 05.09.2024. After hearing the appellant (petitioner herein) the Hon'ble Division Bench passed an order dated 12.11.2024 in W A No. 115 of 2024. The relevant portion of the order is quoted below :-

"Petitioner is the widow of one Mirendra Marak, Helper who was dismissed from service by order dated 07.11.2005 passed by Chief Engineer. PWD (R&B), Tripura, Agartala on charges of unauthorized absence without intimation to the authority since 14.02.2005. Though the instant dismissal order was challenged after much delay in WP(C) No.559/2024, but learned counsel points out from para 8 of the impugned judgment that the learned Writ Court has committed an error on the face of record by holding that the order of dismissal passed against the husband of the petitioner way back in 2005 has remained unchallenged till date....."

Wherein the Division Bench has given liberty to approach the learned Writ Court in Review Jurisdiction. Hence this petition.

[3] In the earlier order dated 05.09.2024 this Court has categorically held that it is a case of laches and the petitioner has not approached this Court with clean hands and the delay for approaching the Court in 2024 in respect of the relief sought for was not explained when the husband of the petitioner went either missing or dead since 2005.

[4] The order dated 07.11.2005 which is now under challenge in 2024 is the order of termination passed in 2005. This Court observed that the said order of 2005 stood unchallenged for all these years. The purpose of using the word unchallenged was with the opinion to say that all these years from 2005 to 2024 the orders stood unchallenged .

[5] Moreover, there is no averment made and no evidence is placed on record by the petitioner to show what steps the petitioner has taken to search the husband, and if not convinced with the investigation, no complaint has been lodged before the complainant authority and with the police to search from 2005 and even according to the petitioner when in 2017 an application has been made for obtaining the death

certificate the same was served according to the petitioner in 2020 and no steps from 2020 has been initiated for claiming any legitimate rights conferred under the statute.

In view of the above, this court finds that the petitioner is not entitled for any relief. Accordingly, the review petition stands dismissed. As a sequel, miscellaneous application(s), pending if any, shall stand closed

JUDGE

HIGH COURT OF TRIPURA



Paritosh

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