

HIGH COURT OF TRIPURA
AGARTALA

WP(C)No.186 of 2026

Sri Pradip Kumar Ghosh (aged about 57 years), son of late Paresh Chandra Ghosh, resident of Bordowali, NBRC Para, opposite of NBRC Club, PO- AD Nagar, Pin-799003, Agartala, District-West Tripura.

....Petitioner(s)

Versus

1.The State of Tripura represented by the Secretary, GA (AR) Department, Government of Tripura, Agartala, PO- New Secretariat-799010, P.S. New Capital Complex, District- West Tripura.

2.Inquiring Authority i.e., Commissioner of Departmental Inquiries, GA(AR)Department, Government of Tripura, PO- New Secretariat-799010, P.S. New Capital Complex, District- West Tripura.

....Respondent(s)

For Petitioner(s)	:Mr. Debalay Bhattacharya, Sr. Advocate. Mr. Agniva Chakraborty, Advocate.				
For Respondent(s)	:Mr. Dipankar Sarma, Addl.GA.				
Date of hearing and Delivery of Judgment/ Order	: 25.03.2026				
Whether fit for reporting :	<table><tr><td>Yes</td><td>No</td></tr><tr><td></td><td>✓</td></tr></table>	Yes	No		✓
Yes	No				
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order (Oral)

Heard Ld. Counsel of both sides.

[2] With the consent of both sides, this writ petition is disposed of at this motion stage.

[3] A departmental proceeding has been initiated against the petitioner with the following article of charge:

ARTICLE-I

That the said Shri. Pradip Kumar Ghosh, Pharmacist (Allo), IGM Hospital, Agatala., while he is functioning as Pharmacist (Allo), IGM Hospital, Agatala violation of Model Code of Conduct (MCC) & the provisions of the Tripura Civil Services (Conduct) Rules 1988, because Shri. Pradip Kumar Ghosh, Pharmacist (Allo), IGM Hospital, Agatala was involved in political campaign in the year of 2024 during Lok Sabha Election as per inquiry report submitted by the Assistant Returning Officer (Sub-Divisional Magistrate), 8 Town Bordowali A/S, Sadar, West Tripura vide. No.F.17(37)-SDM/DSR/ELECT/COMPT/2024/964-67, date13-04-2024 and also Facebook Posts as described in the complaint have been found in the Facebook account in the name of one Pradip Kumar Ghosh. Through the above activities, Shri. Pradip Kumar Ghosh, Pharmacist (Allo), IGM Hospital, Agartala, like his status, has shown a lack of integrity and also gross negligence for performing government duty, which is most unbecoming on his part and thus violated Rule-5 of TSCS (Conduct) Rules, 1988.

[4] Challenging the said charge, the petitioner filed the writ petition bearing No. WP(C)306 of 2025, and a Coordinate Bench of this Court dismissed the writ petition on 20.11.2025 with the following directions:

“9. In the result, the writ petition filed by the present petitioner stands dismissed being devoid of merit at this stage. The petitioner is not entitled to the relief as prayed for i.e. quashing of the Departmental Proceeding initiated against him by memo dated 07.03.2025. However, it is made clear that the respondent-authority shall make all endeavour to dispose of the Departmental Proceeding pending against the petitioner within a period of 6(six) months from the date of receipt of the copy of this judgment failing which the Departmental Proceeding initiated against the petitioner shall be deemed to have been cancelled/abated.

With the above observation, this writ petition stands disposed of.
.....”

[5] The petitioner challenged the said judgment before the Division Bench in WA No.3 of 2026 which was also dismissed with the following observations:

“6. At this juncture, this court is not expressing any opinion on merit of the case since proceeding has already been invoked by fixing a time frame by the learned Single Judge of this Court. However, liberty is reserved with the petitioner to file objection, if desires, in the matter before the concerned authority and, on receipt of such objection, the concerned authority may consider the same in accordance with law during process of the proceeding. If the petitioner is aggrieved by any order of the concerned authority, he may seek remedy before appropriate forum.

7. In view of the above, the writ appeal stands disposed.
.....”

[6] Thereafter, on 17.03.2026, the Presenting Officer (PO) produced two witnesses in said Departmental Proceeding and order sheet shows that two witnesses were examined, cross-examined and discharged on that day. Copies of their depositions are also annexed with the writ petition which further indicates that actually their cross-examinations were declined by the Accused Officer (AO).

[7] Ld. Sr. Counsel, Mr. Debalay Bhattacharya submits that actually the petitioner verbally sought for an adjournment on that day on the ground that his defence assistant was absent and a medical certificate of illness in this regard was also submitted before the Inquiring Authority, but, ignoring the same, and without mentioning anything about the same, the evidence of prosecution side was closed depriving the petitioner from cross-examining the witnesses through his defence counsel. The Inquiring Authority then fixed the next date on 19.03.2026, i.e. 2(two) days thereafter for submission of defence statement and list of DWs. In such a situation, hurriedly the present writ petition has been filed by the petitioner on 18.03.2026.

 Ld. Sr. Counsel, Mr. Bhattacharya further submits that if no opportunity is given to the petitioner to cross-examine the prosecution witnesses, he will suffer irreparable loss and such denial of opportunity to cross-examine the witnesses is gross violation of natural justice and is a gross procedural lapse.

[8] Ld. Addl. GA, Mr. Dipankar Sarma for the respondents, on the other hand, submits that in case any opportunity is given to the petitioner to cross-examine the witnesses, a single opportunity therefore, may be given in a time bound manner so that the Departmental Authority can comply the directions given in said WP(C)No.306 of 2025 in letter and spirit by completing the Departmental Proceeding within the stipulated time as directed by the High Court.

[9] The Court has considered the submissions of both sides and perused the record.

[10] Indeed, it is the right of the Accused Officer (AO) to cross-examine the witnesses of the PWs presented by the Presenting Officer(PO). Though there is no mention in the order dated 17.03.2026 that the Accused Officer(AO) has sought for an adjournment on the ground of illness of his defence assistant, but in the deposition sheets it is reflected that cross-examination was declined. Also, in the order sheet dated 17.03.2026, nothing is mentioned that the defence assistant was present on that day.

[11] Considering all these aspects, the Court feels that at least one opportunity should be granted to the petitioner to cross-examine the witnesses of the prosecution, however, subject to cost of Rs.2000/-, otherwise there may be procedural lapse.

[12] The writ petition is accordingly disposed of with a direction to the respondents to fix a date for cross-examination of those witnesses preferably within 10 days of receipt of copy of this order, subject to deposit a cost of Rs.2000/- by the petitioner to the Presenting Officer(PO) who will disburse it to the witnesses on their appearance.

The departmental proceeding will go to the next phase in accordance with law thereafter.

With such observation and direction, the writ petition is disposed of.

Interim Application(s), if any, shall also stand disposed of accordingly.

JUDGE