

**HIGH COURT OF TRIPURA
AGARTALA**

Cont.Cas(C) No.31 of 2025

Sri Pintu Das, (aged about 56 years),
S/o Late Jagabandhu Das,
Resident of Gandhighat,
P.O.: Agartala, P.S.: West Agartala,
Sub-Division: Agartala, District: West Tripura,
PIN: 799001.

---- Petitioner(s)

Versus

1. Sri Jitendra Kumar Sinha, IAS, Chief Secretary, Government of Tripura, New Capital Complex, P.O.: New Secretariat, P.S.: New Capital Complex, Agartala, District: West Tripura, PIN: 799006.

2. Sri Apurba Roy, IAS, Secretary, General Administration (P&T) Department, Government of Tripura, New Capital Complex, P.O.: New Secretariat, P.S.: New Capital Complex, District: West Tripura, PIN: 799006.

3. Sri A.K. Bhattacharjee, IAS, Special Secretary, General Administration (A&R) Department, Government of Tripura, New Capital Complex, P.O.: New Secretariat, P.S.: New Capital Complex, Agartala, District: West Tripura, PIN: 799006.

4. Dr. Vishal Kumar, IAS, District Magistrate & Collector, West Tripura, A.K. Road, P.S.: West Agartala, Agartala, District: West Tripura, PIN: 799001.

5. Sri Manik Lal Das, TCS, Sub-Divisional Magistrate, Sadar, Office Lane, P.O.: Agartala, P.S.: West Agartala, District: West Tripura, PIN: 799001.

6. Sri S. Mog, Secretary, Tripura Public Service Commission, A.K. Road, near Fire Service Chowmuhani, P.O.: Agartala, P.S.: West Agartala, District: West Tripura, PIN: 799001.

सत्यमेव जयते ----Respondent-Contemnor(s)

For Petitioner(s)	:	Mr. Sankar Lodh, Adv. Mr. Subham Majumder, Adv.
For Respondent(s)	:	Mr. Saktimoy Chakraborty, Sr. Adv. Ms. Pinki Chakraborty, Adv. Mr. Dipankar Sarma, Addl. GA

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

17/02/2026

Heard Learned Counsel, Mr. Sankar Lodh appearing on behalf of the petitioner. Also heard Learned Senior Counsel, Mr. Saktimoy Chakraborty assisted by Learned Counsel, Ms. Pinky

Chakraborty appearing on behalf of the respondent-contemnor Nos.1, 2, 3 and 5. Learned Counsel, Mr. Dipankar Sarma appearing on behalf of respondent-contemnor No.4 and Learned Counsel, Mr. Raju Dutta appearing on behalf of respondent-contemnor No.6.

2. This contempt petition has been filed by the petitioner under Section 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India for wilful and deliberate disobedience of the judgment and order dated 07.01.2023 passed by Learned Single Judge of this Court in WP (C) No.835 of 2021, which was partly affirmed by a Division Bench of this Court by judgment and order dated 02.04.2024 in WA No.108 of 2023.

3. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of this Court that the present petitioner filed a writ petition before this court which was numbered as WP (C) No.835 of 2021 and by a judgment and order dated 07.01.2023, Learned Single Judge allowed the writ petition with certain reliefs. Thereafter, the respondents-State of Tripura challenged the judgment and order of the Learned Single Judge by filing a writ appeal which was numbered as WA No.108 of 2023. The Division Bench of this Court by judgment and order dated 02.04.2024, partly interfered with the judgment of the Learned Single Judge and remitted back the matter to the disciplinary authority to pass a fresh order on the quantum of penalty to be imposed upon the writ petitioner for the established charges, and also affirmed that the petitioner would be entitled to full pay and allowances for the period he remained under suspension. According to Learned Counsel for the petitioner, the said order has not been

complied with as the petitioner was under suspension w.e.f. 27.11.2013 to 28.05.2014. Learned Counsel for the petitioner further submitted that the respondent-contemnors have only paid the pay and allowances for the said period, but the increment of the petitioner, which was due in the month of July, 2014 has not been released by the respondent authority, for which the present petitioner has been compelled to file this contempt petition before this Court for compliance of the judgment of the Learned Single Judge.

It was further asserted by Learned Counsel for the petitioner that in para Nos.14 and 15 of WP (C) No.835 of 2021, these issues have been dealt with by the Learned Single Judge and the operative portion of the said judgment is contained in para No.18.

Learned Counsel, at the time of hearing also drawn the attention of this Court referring the memo dated 05.05.2021 issued by GA(P&T) Department, Government of Tripura, which the petitioner challenged in the main writ petition. Learned Counsel further submitted that since the said memorandum has been quashed by Learned Single Judge, so, the respondents are to release the increment due in the month of July, 2014 in favor of the petitioner, which they have failed to comply with. As such, the respondent-contemnors have committed disobedience of the order of this Court are they are liable to be punished in this contempt proceeding. Learned Counsel also drawn the attention of this Court the rules of FR.

4. On the other hand, Learned Senior Counsel, Mr. S.M. Chakraborty drawn the attention of the Court referring para No.18 of the judgment and order of the Learned Single Judge, wherein the Learned Single Judge only directed to pay full pay and allowances for the period, the petitioner remained under suspension. According to Learned Senior Counsel, that direction of the Learned Single Judge has duly been complied with by the respondents-contemnors. Learned Senior Counsel further submitted that this is not the case of the petitioner that the same has not been released. Further, according to Learned Senior Counsel, at this stage, the reliefs sought for by the petitioner invites a new cause of action, and in this regard, no relief was granted either by Learned Single Judge or by the Division Bench of this Court. As such, the question of disobedience of the order of this Court does not arise.

Learned senior counsel also reiterated that in the counter affidavit, the stand of the respondent-contemnors has been duly discussed. Further, since the reliefs sought for by the petitioner has been considered and dealt with by the respondent-contemnors and the pay and allowances has been paid for the period, the petitioner remained under suspension, as such, there is no contempt on the part of the respondent-contemnors. Learned Senior Counsel, thus, prayed for dismissal of this contempt petition.

5. Learned Counsel, Mr. Dipankar Sarma appearing on behalf of respondent-contemnor No.4 also reiterated the same submission made by Learned Senior Counsel for the respondent-contemnor Nos.1, 2, 3 and 5. Learned Counsel, Mr. Raju Datta

appearing on behalf of the respondent-contemnor No.6 only submitted that his role is formal in nature.

6. I have heard both the sides at length and perused the relevant papers annexed with this contempt petition.

7. Learned Single Judge allowed the WP (C) No.835 of 2021 filed by the petitioner and in para No.18, Learned Single Judge gave the following directions:

"18. In the light of above analysis, this court deems it appropriate to allow the writ petition with the following directions:

(i) The Articles of Charges framed under Charge No. V is set aside;

(ii) The penalty of withholding 3 (three) increments with cumulative effect is modified and reduced to the extent of withholding 1(one) increment with cumulative effect, which is treated to be a major penalty:

(iii) The petitioner is entitled to full pay and allowances for the period he remained under suspension; and

The instant writ petition stands allowed in part in the above terms and thus, disposed of."

As already stated, challenging the said judgment, the respondents-state of Tripura preferred an appeal before the Division Bench of this Court, which was numbered as WA No.108 of 2023. The Division Bench of this Court disposed of the appeal with the following observations. The relevant portion is mentioned in para No.11 which runs as under:

"[11] The Charge No.IV related to financial irregularities by the writ petitioner of certifying false vouchers in respect of a vehicle used in the office of the SDM, Sadar in his capacity as a Drawing and Disbursing Officer. This charge is of serious financial irregularities. We however find that under Rule 11 of CCS (CCA) Rules, 1965 the learned Writ Court has referred to the penalties proposed under Rule 11 of the CCS (CCA) Rules, 1965 where withholding of increments of pay is a minor penalty. Withholding of increments with cumulative effect has not specifically been enumerated under any of the minor or major penalties. Imposition of withholding of three increments with cumulative effect amounted to a major penalty [See Kulwant Singh Gill Vs. State of Punjab,

(1991) Supp (1) SCC 504]. In that case, the right course for the learned Writ Court would have been to remit the matter to the Disciplinary Authority to pass a fresh order on the quantum of penalty considering the gravity of the charges established against the writ petitioner. The learned Writ Court however, proceeded to substitute the penalty by withholding of 1[one] increment with cumulative effect which is to be treated as a major penalty. We, therefore, are inclined to interfere with the impugned judgment and order to that extent. The matter is, therefore, remitted to the Disciplinary Authority to pass a fresh order on the quantum of penalty to be imposed upon the writ petitioner for the established charge. The Disciplinary Authority would take such a decision within a period of 12[twelve] weeks from the receipt of the copy of this judgment and order.

Accordingly, the instant appeal is allowed to the extent as indicated above."

On perusal of the aforesaid judgment and order of the Division Bench of this Court, it appears that regarding withholding of increment, the Division Bench remitted back the matter to the disciplinary authority to pass a fresh order on the quantum of penalty to be imposed upon the petitioner for the established charge but, did not interfere with the observation of the Learned Single Judge in respect of payment of full pay and allowances for the period, the petitioner remained under suspension.

8. At the time of hearing, Learned Counsel for the petitioner submitted that for the suspension period, the respondents have paid the full pay and allowances to the petitioner but, intentionally withheld the increment due for the month of July, 2014, for which the petitioner has filed this contempt petition. However, from the judgment and order of the Learned Single Judge and also the judgment and order of the Division Bench, nowhere I find a single whisper regarding treating of the period under suspension as "on duty" or not.

9. Situated thus, since there was no specific observation regarding treating of the period under suspension “on duty” or not either in the judgment of the Learned Single Judge, or the Division Bench of this Court, so it appears to this Court that the respondents authority has rightly complied with the judgment of the Learned Single Judge regarding payment of full pay and allowances for the period, the petitioner remained under suspension.

Further, since the judgment and order of the Learned Single Judge has been duly complied with by the respondent authorities, so nothing survives for adjudication in this contempt proceeding against the respondent-contemnors.

Accordingly, with the aforesaid observation, this contempt petition is disposed of.

The respondent-contemnors who are present today are accordingly discharged and their further appearance is dispensed with from this case.

JUDGE

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