

**HIGH COURT OF TRIPURA  
AGARTALA**

**WA. No. 88/2025**

***Sri Soumitra Chakma***, son of Late Bijal Behari Chakma, aged about 57 years, resident of Ujan Abhoynagar Bazaar, P.O. Abhoynagar, PS-New Capital Complex, Sub-Division-Agartala, District-West Tripura, Pin-799005;

.....**APPELLANT**

**VERSUS**

**1) *The State Of Tripura***, represented by the Special Secretary, General Administration (AR) Department, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura.

**2) *The Special Secretary***, General Administration (AR) Department, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura.

**3) *The Secretary***, General Administration (P&T) Department, Government of Tripura, New Capital Complex, P.O. New Secretariat, P.S. New Capital Complex, Agartala, District- West Tripura, Pin-799006.

**4) *The Deputy Secretary***, General Administration (P&T) Department, Government of Tripura, New Capital Complex, P.O. New Secretariat, P.S. New Capital Complex, Agartala, District- West Tripura, Pin-799006;

**5) *The Commissioner Of Departmental Inquiries***, Pandit Nehru Complex, Gorkhabasti, P.O. Kunjaban-799006, P.S. New Capital Complex, Agartala, District- West Tripura, Pin-799006.

**6) *The Chief Secretary***, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura (Appellate Authority);

7) **Tripura Public Service Commission**, represented by its Secretary, A.K. Road, Near Fire Service Chowhmani, PS-West Agartala, District-West Tripura, Pin-799001.

8. **The Secretary**, Tripura Public Service Commission, A.K Road, Near Fire Service Chowmuhani, PS- West Agartala, District- West Tripura, Pin - 799001.

.....**Respondents.**

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|-----------------------------------------|---|-------------------------------------------------------------------------------|
| For the Appellant(s)                    | : | Mr. S. Lodh, Advocate.<br>Mr. K. Roy, Advocate.<br>Mr. S. Majumder, Advocate. |
| For the Respondent(s)                   | : | Mr. Kohinoor N. Bhattacharyya, G.A.<br>Mr. K. Pandey, Advocate.               |
| Date of hearing                         | : | 03.02.2026                                                                    |
| Date of delivery<br>of Judgment & Order | : | 10 .02.2026                                                                   |
| Whether fit for reporting               | : | YES.                                                                          |

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**BEFORE**  
**HON'BLE JUSTICE DR. T. AMARNATH GOUD**  
**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**JUDGMENT & ORDER**

(*Dr.T.Amarnath Goud, J*)

[1] Heard Mr. S. Lodh, learned counsel appearing for the appellant.

Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. appearing for the respondents-State. Mr. K. Pandey, learned counsel also appears for respondents-TPSC.

[2] This present appeal has been filed seeking the following reliefs:-

*"I) Admit this Appeal;*

*II) Call for the relevant records, pertaining to WP(C) 4 of 2025, disposed of on 06.08.2025, by the Hon'ble Single Judge;*

*III) After hearing the parties, in terms of the GROUNDS set forth above, be pleased to quash/set aside the impugned Judgment and Order dated 06.08.2025, passed by the Hon'ble Single Judge in WP(C) 4 of 2025, and thereafter, be pleased to allow the appeal in terms of Prayers made in the writ petition;"*

[3] Facts leading to the present appeal are that a disciplinary proceeding was initiated against the appellant vide memorandum No.F.11(2)-GA (AR)/2022/752-55 dated 02.05.2022 wherein 03 Nos. of Article of Charges were framed against the appellant by the Principal Secretary to the Government of Tripura being the Disciplinary Authority in connection with misconduct and arbitrary decision of the appellant herein. As per the memorandum, the appellant was asked to submit his reply within 15(fifteen) days. It was also stated in the memorandum that departmental proceedings under Rule 14 of CCS( CC&A) Rules 1965 will be carried out against him based on the charges which were leveled against him. Challenging the charges of memorandum No.F.11(2)-GA(AR)/2022/752-55, Dated 02.05.2022, the Inquiry report vide No. 23/INQ/DP/GA(AR)/2022, Dated 28.03.2024 and the punishment order vide No.F.11(2)-GA(AR)/2022/502-04 Dated 04.06.2024 and the Appellate Order dated 23.09.2024, the appellant filed a writ petition before this Hon'ble Court and the same was registered and marked as W.P.(C) No. 04 of 2025. Therefore, after hearing both the parties, the Learned Single Judge of this Court vide its Judgment and Order dated 06.08. 2025, dismissed the writ petition citing that the appellant as Land Acquisition Collector acted beyond his jurisdiction and in the entire proceeding all opportunities were given to him to defend the charges leveled against him . But, in the ongoing proceeding he failed to inspire confidence

of the Inquiry Authority to exonerate him from the charges. Being dissatisfied with the aforesaid order of dismissal, this writ appeal has been filed.

[4] Learned Counsel Mr. S. Lodh appearing for the appellant at the time of hearing of argument submitted that the entire proceeding was unlawful, unjustified and misconceived. The charges leveled against the appellant herein had no basis because the appellant as per direction of the Hon'ble Court passed in connection with Case No. WP(C)1381 of 2016 dated 05.01.2021 proceeded with the subject matter constituting a team. Thus, there was no abuse of power by the appellant and he only acted as per jurisdiction. Learned Counsel further submitted that since, the entire action was taken in compliance of the direction of Hon'ble High Court, so, the question of notification under the LA Act was totally baseless. Learned Counsel at the time of hearing further drawn the attention of the Court referring Section-23 of the LA Act and submitted that the appellant has complied with the said provision and furthermore referring the communication of Deputy Secretary, Government of Tripura dated 22.03.2021 it was informed by the Revenue Department to D.M. & Collector, Unakoti District, Kailashahar to take necessary action as per direction of the Hon'ble High Court. Learned Counsel again referred the inquiry report of SDM, Kailashahar dated 18.03.2021 sent to L.A. Collector for assessment of loss suffered by M/S Fortuna Agro Plantation Limited and also referred the report of the S.D.F.O. Kailashahar

Forest Sub-Division addressing to the Land Acquisition Collector dated 19.03.2021 in pursuance of the direction of the High Court. It was further submitted by the Learned Counsel for the appellant that the said judgment was not challenged by the State-respondents to any other forum. Thus, the same has been attained finality. Learned Counsel also submitted that after receipt of the reports of the constituted team the appellant assessed the compensation following the mandate of LA Act and passed the award which was routed through different tables and the same award was countersigned by one TCS Grade-II, LA Officer and after that the appellant vide communication dated 25.03.2021 communicated the award to the Deputy Secretary, Government of Tripura, Revenue Department supplying copy to D.M. & Collector, Deputy Project Manager, NBCC, M/S Fortuna Agro Plantation Ltd. and Dilkhusha Tea Co. Ltd. and also the appellant supplied the copy of award to the Fortuna Agro Plantation Limited as there was clear direction from the High Court to pass the award within four months. Learned Counsel further submitted that the inquiring authority without affording full opportunity and without proper recording the evidence of the appellant made findings against the appellant which was totally illegal, unjustified and beyond the principles of natural justice. It was further submitted by Learned Counsel appearing for the appellant that as alleged by the State-respondents the appellant did not violate Rule-19 of DFPRT Rules, 2019 and there is also no

evidence on record in this regard. Thereafter, learned counsel referred the findings of the inquiring authority and submitted that on the basis of the evidence on record there was no scope on the part of the inquiring authority to held the appellant to be guilty of charges. Thus, the inquiring authority failed to appreciate the evidence on record properly and furthermore, the evidence of the appellant as accused officer was also not properly recorded by the inquiring authority. Thus, there was gross violation of principles of natural justice in recording evidence on record. It was also submitted that regarding Article-III, the Ranibari Tea Estate did not challenge anything regarding payment of award to a middleman of Nattingcherra Tea Garden. To support his contention Learned Counsel also referred some other documents and submitted that appellant never acted beyond jurisdiction and referring the Office Note No.55 and 56 Learned Counsel submitted that based on documentary evidence on record award was made in favour of the actual party. Finally, Learned Counsel for the appellant submitted that the proceeding drawn up was misconceived and the inquiring authority failed to appreciate the evidence on record properly and found the appellant to be guilty of charges causing serious prejudice to the appellant and on the basis of misconceived proceeding, the disciplinary authority imposed major penalty which has been upheld by the appellate authority of the department and the findings of the appellate authority was nothing but replica of the findings of

the inquiring authority and urged before this Court for setting aside the orders of the inquiring authority, appellate authority, and other connected memorandums.

[5] In support of his argument, learned counsel appearing for the appellant relied upon the judgments of Hon'ble Apex Court titled as ***Union of India And Others versus J. Ahmed***, reported in (1979) 2 Supreme Court Cases 286, wherein in para 9, Hon'ble Apex Court observed as under :-

*“9. The five charges listed above at a glance would convey the impression that the respondent was not a very efficient officer. Some negligence is being attributed to him and some lack of qualities expected of an officer of the rank of Deputy Commissioner are listed as charges. To witness, charges 2 refers to the quality of lack of leadership and charge 5 enumerates ineptitude, lack of foresight, lack of firmness and indecisiveness. These are qualities undoubtedly expected of a superior officer and they may be very relevant well considering whether a person should be promoted to the higher post or not or having been promoted, whether he should be retained in the higher post or not, or they may be relevant for deciding the competence of the person to hold the post, but they cannot be elevated to the level of omission or commission as contemplated by Rule 4 of the discipline and Appeal Rules so as to incur penalty under Rule 3. Competence for the post, capability to hold the same, efficiency requisite for a post, ability to discharge function attached to the post, are things different from some act or omission of the holder of the post which may be styled as misconduct so as to incur the penalty under the rules. The words 'acts or omission' contemplated by Rule 4 of the Discipline and Appeal Rules have to be understood in the context of the All India Services (Conduct) Rules, 1954 conduct Rules for short). The Government has prescribed by Conduct Rules a code of conduct for the members of All India Services. Rule 3 is of a general nature which provides that every member of the service shall at all times maintain absolute integrity and devotion to duty. Lack of integrity, if proved, or undoubtedly entail penalty. Failure to come up to the highest expectation of an officer holding responsible post or lack of aptitude or qualities of leadership would not constitute as failure to maintain devotion to duty. The expression 'devotion to duty' appears to have been used as something opposed to indifference to duty or easy-going or light-hearted approach to duty. If Rule 3 were the only rule in the Conduct Rules it would have been rather difficult to ascertain what constitutes misconduct in a given situation. But Rules 4 to 18 of the Conduct Rules prescribe code of conduct for members of service and it can be safely stated that an act or omission contrary to or in breach of prescribed rules of conduct would constitute misconduct for disciplinary proceedings. This code of conduct being not exhaustive it would not be*

*prudent to say that only that act or omission would constitute misconduct for the purpose of Discipline and Appeal Rules which is contrary to the various provisions in the Conduct Rules. The inhibitions in the Conduct Rules clearly provide that an act or omission contrary thereto so as to run counter to the expected code of conduct would certainly constitute misconduct. Some other act or omission may as well as constitute misconduct. Allegations in the various charges do not specify any act or omission in derogation of or contrary to Conduct Rules save the general Rule 3 prescribing devotion to duty. It is, however, difficult to believe that lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would themselves constitute misconduct. If it is so, every officer rated average would be guilty of misconduct. Charges in this case as stated earlier clearly indicate lack of efficiency, lack of foresight and indecisiveness as serious lapses on the part of the respondent. These deficiencies in personal character or personal ability would not constitute misconduct for the purpose of disciplinary proceedings.*

[6] He also relied upon the citation of the Hon'ble Supreme Court of India in ***United Bank of India versus Biswanath Bhattacharjee*** reported in (2022) 13 Supreme Court Cases 329 and ***Ram Lal versus State of Rajasthan And Others*** reported in (2024) 1 Supreme Court Cases 175 wherein in relevant portions of both the judgments, the Hon'ble Apex Court opined as under:-

***United Bank of India versus Biswanath Bhattacharjee***  
reported in (2022) 13 Supreme Court Cases 329

*"17. In one of the earliest decisions of Union of India v.H.C. Goel relating to departmental proceedings, this court observed that where a public servant is punished for misconduct after a departmental enquiry is conducted, a clear case where interference under Article 226 of the Constitution is warranted is when there is no evidence to establish the official's guilt.*

*"22.... The two infirmities are separate and distinct though, conceivably, in some cases both may be present. There may be cases of no evidence even where the Government is acting bona fide; the said infirmity may also exist where the Government is acting mala fide and in that case, the conclusion of the Government not supported by any evidence may be the result of mala fides but that does not mean that if it is proved that there is no evidence to support the conclusion of the Government, a writ of certiorari will not issue without further proof of mala fides.*

*That is why we are not prepared to accept the learned Attorney General's argument that since no mala fides are alleged against the appellant in the present case, no writ of certiorari can be issued in favour of the respondent.*

*23. That takes us to the merits of the respondent's contention that the conclusion of the appellant that the third charge framed against the respondent had been proved, is based on no evidence. The learned Attorney General has stressed before us that in dealing with this question, we ought to bear in mind the fact that the appellant is acting with the determination to root out corruption, and so, if it is shown that the view taken by the appellant is a reasonably possible view this Court should not sit in appeal over that decision and seek to decide whether this Court would have taken the same view or not. This contention is no doubt absolutely sound. The only test which we can legitimately apply in dealing with this part of the respondent's case is, is there any evidence on which a finding can be made against the respondent that Charge 3 was proved against him? In exercising its jurisdiction under Article 226 on such a plea, the High Court cannot consider the question about the sufficiency or adequacy of evidence in support of a particular conclusion. That is a matter which is within the competence of the authority which deals with the question; but the High Court can and must enquire whether there is any evidence at all in support of the impugned conclusion. In other words, if the whole of the evidence led in the enquiry is accepted as true, does the conclusion follow that the charge in question is proved against the respondent? This approach will avoid weighing the evidence. It will take the evidence as it stands and only examine whether on that evidence legally the impugned conclusion follows or not. Applying this test, we are inclined to hold that the respondent's grievance is well founded, because, in our opinion, the finding which is implicit in the appellant's order dismissing the respondent that Charge 3 is proved against him is based on no evidence."*

*18. Apart from cases of "no evidence", this court has also indicated that judicial review can be resorted to. However, the scope of judicial review in such cases is limited: In B.C. Chaturvedi v. Union of India: a three-judge bench of this court ruled that judicial review is not an appeal from a decision but a review of the manner in which the decision is made. It is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eyes of the court. The court/tribunal in its power of judicial review does not act as an appellate authority; it does not re-appreciate the evidence. The court held that:*

*"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an enquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the enquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold enquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical*

rules of the Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary enquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In *Union of India v. H.C. Goel* (supra) this Court held at P.728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

19. Other decisions have ruled that being a proceeding before a domestic tribunal, strict rules of evidence, or adherence to the provisions of the Evidence Act, 1872 are inessential. However, the procedure has to be fair and reasonable, and the charged employee has to be given reasonable opportunity to defend himself (ref: *Bank of India v. Degala Suryanarayana*: a decision followed later in *Punjab & Sind Bank v. Daya Singh*: (2010) 11 SCC 233). In *Moni Shankar v. Union of India*: (2008) 3 SCC 484 this court outlined what judicial review entails in respect of orders made by disciplinary authorities:

"17. The departmental proceeding is a quasi-judicial one. Although the provisions of the Evidence Act are not applicable in the said proceeding, principles of natural justice are required to be complied with. The courts exercising power of judicial review are entitled to consider as to whether while inferring commission misconduct on the part of a delinquent officer relevant piece of evidence has been taken into consideration and irrelevant facts have been excluded therefrom. Inference on facts must be based on evidence which meet the requirements of legal principles. The Tribunal was, thus, entitled to arrive at its own conclusion on the premise that the evidence adduced by the Department, even if it is taken on its face value to be correct in its entirety, meet the requirements of burden of proof, namely, preponderance of probability. If on such evidence, the test of the doctrine of proportionality has not been satisfied, the Tribunal was within its domain to interfere."

20. This court struck a similar note, in *State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya*: (2011) 4 SCC 584, where it was observed that:

"7....If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the

*evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record".*

*21. The bank is correct, when it contends that an appellate review of the materials and findings cannot ordinarily be undertaken, in proceedings under Article 226 of the Constitution. Yet, from H.C. Goel onwards, this court has consistently ruled that where the findings of the disciplinary authority are not based on evidence, or based on a consideration of irrelevant material, or ignoring relevant material, are mala fide, or where the findings are perverse or such that they could not have been rendered by any reasonable person placed in like circumstances, the remedies under Article 226 of the Constitution are available, and intervention, warranted. For any court to ascertain if any findings were beyond the record (i.e., no evidence) or based on any irrelevant or extraneous factors, or by ignoring material evidence, necessarily some amount of scrutiny is necessary. A finding of "no evidence" or perversity, cannot be rendered sans such basic scrutiny of the materials, and the findings of the disciplinary authority. However, the margin of appreciation of the court under Article 226 of the Constitution would be different; it is not appellate in character."*

***Ram Lal versus State of Rajasthan And Others*** reported in (2024) 1

### ***Supreme Court Cases 175***

*"32. This issue need not detain us any further because it is not the case of department that the appellant sought employment based on 10th standard marksheet. It is their positive case that the appellant sought employment on the basis of his 8th standard marksheet. Shravan Lal, PW-4 in the departmental enquiry had also furnished the 10th standard marksheet procured from the Secondary Education Board, Ajmer. In cross-examination, on being asked, he admitted that the appellant was recruited on the basis of 8th standard marksheet, and he admitted that there was no alteration in the 8th standard marksheet.*

*34. Accordingly, we set aside the judgment of the D.B. Special Appeal (Writ) No.484/2011 dated 05.09.2018. We direct that the appellant shall be reinstated with all consequential benefits including seniority, notional promotions, fitment of salary and all other benefits. As far as backwages are concerned, we are inclined to award the appellant 50% of the backwages. The directions be complied with within a period of four weeks from today."*

Referring those citations Learned Counsel Mr. Lodh urged for allowing this writ appeal by setting aside the impugned order mentioned in the prayer portion of the writ appeal.

[7] On the other hand, Learned G.A. Mr. Kohinoor N. Bhattacharya appearing on behalf of the State-respondents drawn the attention of the Court referring the entire proceedings and submitted that if the entire proceeding is meticulously examined it would be clear that in the entire proceeding the appellant was given all opportunities to support his defence not only that he was given the opportunity to defend the charges by adducing oral/documentary evidence on record. So, the finding of the inquiring authority was justified, rational and based on oral and documentary evidence on record. The appellant in this writ appeal according to Learned G.A. could not raise any ground to interfere with the findings of the disciplinary authority as well as the appellate authority. It was further submitted that admittedly there was direction from the side of the Hon'ble High Court in WP(C)No.1381 of 2016 dated 05.01.2021. But the appellant acted beyond the direction of the Hon'ble High Court and violated the notification issued under the LA Act dated 30.08.2005 and by the said notification only 24.08 acres of land were shown to be acquired out of that jote land was 19.14 acres and khas land was 4.94 acres. Learned G.A further submitted that inquiring authority in departmental proceeding recorded the evidence on record of the witnesses properly and after elaborate discussions of the evidence on record observed that the Article of charges leveled against the appellant were proved beyond doubt and accordingly found the appellant to be guilty. It was further

submitted that the appellant as LA Collector ignoring the report of SDM and violating and ignoring the Office Note No.55 illegally made payment to a middleman of Nattingcherra Tea Estate and ignoring the notification dated 30.08.2005 proceeded to make payment of award/compensation for land measuring 225.80 acres. It was also submitted by Learned G.A. that there is very least scope to re-appreciate the evidence on record and the present appellant in the entire proceeding failed to show any procedural irregularities or lapses to be interfered with. It was further submitted that the appellant awarded compensation for 225.80 acres of land whereas only 24.08 was actually acquired as per notification dated 30.08.2005 of the Revenue Department and furthermore the appellant acted beyond jurisdiction and misinterpreted the direction of the High Court and violating the financial rules of the Government sent requisition for an amount of Rs.235 crores to NBCC without obtaining prior approval of the State Government and not only that the appellant also violated the Revenue Department's notification dated 13.03.1991 and 05.10.2010. Further, the appellant also made payment of Rs. 58,28, 476/- to the Sunshine Tea Co. Ltd. processing Private Limited who were claiming the lawful occupiers of the land but there was dispute regarding the ownership and the SDM Kumarghat also recommended verification of the 2009 NOC produced by Sunshine Tea. Furthermore, the appellant also ignored the Official Note No.55 and proceeded for payment based on

unverified and unregistered documents. Thus, according to Learned G.A. the appellant acted in violation of Rule 3 of the TCS (Conduct) Rules, 1988 which shows non-judicious and imprudent use of statutory power. Learned G.A. also submitted that Ministry of Home Affairs, Government of India wrote a letter to the State Government on 15.07.2021 expressing their dissatisfaction over the excessive award and also intimated the Government that such compensation may set a dangerous precedent across India in other border fencing projects. Further Learned G.A. submitted that although office note was prepared by the other staff but the entire responsibility lies upon the appellant as LA Collector because it was his duty to verify ownership, obey financial rules and ensure reasonableness in making award and to obtain the approval of the State-authority. It was further submitted that the findings of the appellate authority also was justified which shows that the appellant proceeded despite several red flags and the appellant proceeded to make award based on selective and unverified materials. Finally, Learned GA submitted that the entire process of disciplinary proceeding was fair, reasonable and there was sufficient evidence against the appellant with the alleged imputation as such the punishment imposed by the authority was lawful, proportionate and based on the seriousness of misconduct, financial irregularity and breach of public duty.

[8] Learned G.A. in support of his contention submitted that there is no scope on the part of this Court at this stage to reassess/appreciate the evidence on record. In support of his contention he relied upon citations of the Hon'ble Supreme Court of India in *Pravin Kumar vs. Union of India and Others* reported in (2020) 9 SCC 471, *State Bank of Bikaner and Jaipur versus Nemi Chand Nalwaya* reported in (2011) 4 Supreme Court Cases 584 and lastly on, *State of Andhra Pradesh versus S. Sree Rama Rao*, reported in (1963) AIR .

Referring those citations Learned G.A. drawn the attention of the Court that the principles of said citations are very much relevant for decision of this appeal because there is no scope on the part of this Court at this stage to act as a judicial review and to re-appreciate the evidence on record and further more according to learned G.A. since the appellant in course of hearing of argument failed to satisfy the Court by showing any cogent grounds to interfere with the findings of the disciplinary authority as well as the appellate authority. So, learned G.A. urged for dismissal of this writ appeal.

[9] Mr. K. Pandey, learned counsel appearing for the TPSC-respondents submitted that the role of TPSC was very limited. TPSC acted as consulting authority for imposition of punishment upon the appellant.

[10] Heard and perused the evidence on record.

[11] It is seen from the record that Articles of Charges framed in the memorandum dated 02.05.2022 along with the enclosures were communicated to the appellant asking him to submit his written statement within a period of 15 days. It is also seen in the Articles of Charges that the appellant during the period of his incumbency from 11.08.2020 to 30.06. 2021 as L.A Collector, Unakoti District failed to maintain absolute integrity and devotion to duty as he made arbitrary and unreasonable assessment for compensation of the land and also for compensation of the damaged cost of trees which was found to be highly excessive not in conformity with the LA Act and by a judgment dated 05.01.2021 of this High Court in WP(C)1381 of 2016, the appellant was asked to make correct assessment of the damage because total land measuring 24.08 acres of land were acquired for construction of IBB fencing of Murticherra mouja under Kailashahar Sub-Division by notification No.F.9(5)-REV/ACQ/II/2005 dated 30.08.2005 and out of total land measuring 24.08 acres jote land was 19.14 acres and khas land was 4.94 acres but the appellant as LA Collector submitted assessment cost for compensation of land measuring 225.80 acre covering the entire land from zero line to IBB fencing beyond the area of acquisition which was only 24.08 acres but the appellant proposed compensation of damaged cost of trees fallen within said 225.80 acres. Further as a LA Collector the appellant failed to exercise his statutory power to cause survey by technically sound person to determine the

land which has been severed for construction of IBB fencing and proposed compensation for excessive amount contrary to the prevailing settled norms of the LA Act and further the appellant was charged with sending requisition of Rs.235 crore to NBCC without taking any approval of the Government authority for making payment of compensation in LA Case No.7/Kai/2005 against the award passed in compliance of the judgment and order dated 05.01.2021 in WP(C)No.1381 of 2016 filed by M/S Fortuna Agro Plantation Ltd. violating Rule 19 of DFPRT Rules, 2019. Thus, the appellant violated the provision of Rule 3 of the TCS (Conduct) Rules, 1988. It was further alleged that as a LA Collector the appellant illegally made payment of a compensation amounting to Rs.58,28,476/-to a middleman of Natingcherra Tea Garden in defiance of all settled norms violating Rule 3 of the TCS (Conduct) Rules, 1988. The appellant denied the charges filed against him as per Articles of charge No. I, II and III. Since, the disciplinary authority was not convinced by the defence submitted by the appellant so disciplinary proceeding was continued against him. The Commissioner of Departmental Inquiries was appointed to conduct the inquiry after conducting full-fledged inquiry submitted report on the basis of oral and documentary evidence adduced on behalf of contesting parties and held that the charges were proved against the appellant-accused Officer and the inquiring authority hold that the prosecution successfully established the charges against the appellant.

[12] This Court finds force in the Judgments of Hon'ble Apex Court which are titled as ***State of Andhra Pradesh vs. S. Sree Rama Rao*** reported in ***1963 AIR 1723***, the relevant portion is extracted as under:-

*“There is no warrant for the view expressed by the High Court that in considering whether a public officer is guilty of the misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court, must be applied, and if that rule be not applied, the High Court in a petition under Art. 226 of the Constitution is competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not constituted in a proceeding under Art. 226 of the Constitution a Court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent Officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Art. 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or; where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Art. 226 of the Constitution.*”

Titled as ***State Bank of Bikaner and Jaipur versus Nemi Chand Nalwaya***, reported in ***(2011) 4 Supreme Court Cases 584***, the relevant portions are as under :-

*The respondent was employed as a clerk in Kalindri Branch of the appellant Bank. He was issued a charge-sheet dated 30-8-1988. The two charges against him are extracted below:*

"(i) On 14-10-1987, you disclosed the balance of SB Account No. 1025 of Shri Dharamchand Nathaji lying in inoperative account to an unidentified person posing himself as the said account-holder though the person was not having even a passbook of that account. This disclosure of secrecy led to a fraudulent withdrawal of ₹6000 from the said account thereby putting the Bank into loss.

(ii) On 14-10-1987, you have advised Shri I.M. Rawal, the counter clerk handling savings bank ledgers to transfer the balance lying in Account No. 1025 in the name of Shri Dharamchand Nathaji from the inoperative savings bank ledger to that of operative ledgers without first obtaining the permission of the Branch Manager which is a pre-requirement in all such cases. It is further alleged that you have collected the withdrawal form purported to have been signed by the depositor, handed over the same to Shri L.M. Rawal, the counter clerk, obtained token and after it was passed for payment by the Branch Manager, obtained payment from paying cashier, Shri S.R. Meghwal. The real depositor has subsequently complained that the signature on withdrawal form was forged and the matter is now under police investigation."

The charge-sheet followed a preliminary enquiry by one H.S. Sharma, an officer of the appellant Bank, in which the respondent broadly admitted the facts constituting the subject-matter of the two charges.

7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the round that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. Bank of India v. Degala Suryanarayana<sup>3</sup> and High Court of Judicature at Bombay v. Shashikant S. Patil.)

Titled as ***Pravin Kumar Versus Union of India & Others***,

reported in (2020) 9 Supreme Court Cases 471, the relevant para is quoted

herein below:-

"28. It is thus well settled that the constitutional courts while exercising their powers of judicial review would not assume the role of an appellate authority. Their jurisdiction is circumscribed by limits of correcting errors of law, procedural errors leading to manifest injustice or violation of principles of natural justice. Put

*differently, judicial review is not analogous to venturing into the merits of a case like an appellate authority.”*

[13] After perusal of the record, it is observed that undisputedly, writ petition vide No. 1381 of 2016 was disposed of by an order dated 05.01.2021 and there is no reason why the appellant herein being the LA Collector has not chosen to challenge the same by filing writ appeal or sought for any review before the writ court.

[14] The appellant being the LA Collector was his *prima facie* duty in dealing with the Government property and fixing up compensation in a matter where public money/ State exchequer is involved, was supposed to be more cautious. It is nowhere indicated from the record that the appellant has taken all preventive and precautionary steps to ascertain with regard to the ownership of the claimants upon the land which is acquired. This Court, in earlier matters observed that if land of a lawful owner is acquired he is obviously entitled for a generous compensation. Since, day by day the land is getting extinguished and it is utilized for better purpose and benefit of the society. But, at the same time this Court is of the view that unless it is decided that the recipient of the claim-amount is holding a valid alienable title, it cannot be said that he is entitled for claiming the compensation. An unauthorized person cannot be paid a single rupee from the public exchequer. Mere entries in the khatian cannot be treated as title deed it is only a entry in the revenue records and they cannot be equated with the sale

deed / title deed/ ownership documents. There is no cogent reason given while passing an award showing acquisition of land measuring 225.80 acres in place of 24.08 acres as per notification dated 30.08.2005 issued by the Revenue Department, Govt. of Tripura and further it appears that the appellant LA Collector failed to obtain approval of the authority of the State Government before sending the requisition to NBCC for an amount of Rs. 235 crores and also the appellant passed an order for making payment to an unauthorized person ignoring the norms without confirmation of the ownership. Once a person claiming compensation for trees on lands, it cannot be said that he is the owner of a tree unless there is any authorization given to him to occupy the land in the absence of any authorization to occupy the land any claimant stepping upon the land amounts to trespass and a trespassers if he claims that he has raised any plant and he is the owner of the same, this Court has no hesitation to say that he is a trespasser and he is not entitled for any such compensation either for land or trees. The appellant being responsible officer and as LA Collector could have been more cautious in dealing with matter and such casual approach of the appellant cannot be accepted. Thus, as a public servant, he was found to be guilty of misconduct under Rule-14 of the CCS (CCA) Rules, 1965 and also violation of Rule -3 of the TSCS ( Conduct) Rules, 1988.

The relevant portion of the Rule -3 of the TSCS (Conduct) Rules, 1988 is quoted hereunder :-

3. General

(3) Every Government Employee shall at all times-

(i) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government employee.

(2) (i) Every Government employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government employees for the time being under his control and authority;

(ii) No Government employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best Judgement except when he is acting under the direction of his official superior;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing....”

[15] This Court also of the view that the appellant at the time of making of award violated the provision of Rule -19 of DFPRT Rules, 2019.

Accordingly, the relevant paras are quoted as under:-

*19. PAYMENT OF DECRETAL DUES:*

*The Administrative Department shall have full powers to sanction expenditure for payment of any decretal amount in pursuance of any Court's orders provided:*

*(i) The Administrative Department has made a thorough scrutiny of the judgment, consulted the Finance Department and Law Department, and has obtained the concrete and specific advice that there is no merit for filing petitions for review/revision/appeal in the appropriate legal forum.*

*(ii) If during the scrutiny of the case by the Administrative Department or by the Law Department or by the Finance Department or by any other authority, the negligence of any officer is found in conducting the case, the Administrative Department shall take appropriate disciplinary measure against the negligent officers under intimation to the Administrative Reforms Department. Copies of notes of the Administrative Department, the Law Department, or Finance Department or any other authority pointing out lapses on the part of the officers should be sent invariably to the Administrative Reforms Department. The Administrative Department shall issue guidelines to their subordinate offices*

*pointing out the nature of the lapses and advising them to guard against such lapses.*

*(iii) The Administrative Department in consultation with the Law Department & Finance Department comes to the conclusion that the implementation of the order would not attract claims for analogous financial benefits from other persons belonging to the same category or placed on the same footing. If, however, the contrary opinion is established, the Department should take appropriate action to contest the case for the modification of the order.*

*(iv) There is necessary budget provision for making the payment.*

[16] Though, said provision deals with the payment of money for decretal amount under the Court, the entire process of paying amount under land acquisition compensation is under a Statute. This Court feels for a moment that since there is no specific provision in the said Delegation of Financial Power Rules, Tripura, 2019 and in a broader sense if this rule 19 is considered, and said amount of compensation which is under Statute is an award if treated as Court decretal amount then the appellant could have followed the same and it is failure on the part of the appellant for not taking proper care in dealing with such huge amounts. It also appears to this Court that the inquiry authority came to the observation that during the relevant period as LA Collector, the appellant illegally made payment of huge amount of Rs. 58,28,476/- as LA compensation to a middleman of Nottingcherra Tea Garden being defiance of all the settled norms. The misconduct according to the respondents which the appellant has committed under rule 3 of Tripura State Civil Services (Conduct) Rules, 1988 has to be viewed seriously because of the position the appellant is holding and it is not any ministerial job the appellant is performing.

[17] In view of the above reason, this Court is of the view that the original order of dismissal dated 04.06.2024 and the appellate order dated 23.09.2024 need no interference as the same have been passed in accordance with law. Therefore, we find no infirmity in the order of learned Single Judge in WP(C) No. 04 of 2025 dated 06.08.2025 in dismissing the appellant from the service and accordingly, the same is confirmed.

[18] Thus, being devoid of merit, this present writ appeal is dismissed. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

**S.DATTA PURKAYASTHA,J**

**DR.T. AMARNATH GOUD,J**



*Paritosh*

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