

HIGH COURT OF TRIPURA

AGARTALA

W.A. 2/2026

1. The State of Tripura, represented by the Secretary, General Administration (Personnel & Training) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, PO: New Capital Complex-799010, Agartala, West Tripura.

2. The Secretary, General Administration (Personnel & Training) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, PO: New Capital Complex-799010, Agartala, West Tripura.

3. The Secretary, General Administration (Administrative Reform) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, PO: New Capital Complex-799010, Agartala, West Tripura.

4. The Secretary, Home Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, PO: New Capital Complex-799010, Agartala, West Tripura.

----Appellant (Respondents in writ petition)

Versus

Sri Tapas Deb, son of Sri Shiba Prasad Deb, resident of Sabroom Nagar Panchayat, Ward No.1, Sabroom, South Tripura, Pin-799145.

----Respondent (Petitioner in writ petition)

For the Appellant(s)	:	Mr. K. De, Additional GA
For the Respondent(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. D. Paul, Advocate

Date of hearing and delivery:

of Judgment & Order : **31.03.2026**

Whether fit for reporting : **No**

BEFORE

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

JUDGMENT & ORDER (ORAL)

(Dr.T.Amarnath Goud, J)

Heard Mr. K. De, learned Additional GA appearing for the appellants. Also heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. D. Paul, learned Counsel appearing for the respondent.

2. By means of filing this writ appeal, the appellant herein, challenged the judgment and order dated 26.09.2025 passed by a Single Judge of this High Court in WP(C) 285 of 2024.

3. Shortly stated, the original writ petitioner, by a Memorandum dated 24.01.2022, the Principal Secretary to the Government of Tripura, General Administration (AR) Department proposed to hold an enquiry against the respondent, the original writ petitioner. The inquiry authority submitted its report dated 30.11.2022 to the Disciplinary Authority. The Disciplinary Authority being not satisfied by an order dated 15.05.2023 appointed another officer to re-inquire the charges again. The respondent challenged that order dated 15.05.2023 before this Court by filing a writ petition being WP(C) 396 of 2023. Subsequently, the GA(AR) Department by an order dated 19.11.2023 suspended the order dated 15.05.2023. Thereafter, this Hon'ble High Court by an order dated 23.11.2023 dismissed the said Writ Petition as infructuous. Thereafter, the GA(AR) Department by an order dated 09.02.2024 remanded the matter to the Commissioner of Departmental Inquiries for further enquiry into the charges framed against the Respondent. In compliance of Rule 15 of CCS (CCA) Rules, 1965, copy of the findings was served to the Respondent by a memo dated 18.07.2024 and sought for the representation from the Respondent. Through a distinct and separate order dated 30.09.2024 (Annexure R/2), the reason of disagreement with the former inquiry report and necessity of further inquiry was also communicated to the Respondent. The copy of the findings of the Inquiry Authority dated 23.09.2022 was also sent to the Respondent by way of Memorandum dated 18th July, 2024, to which appellants submitted

representation also, but the Ld. Single Judge without considering this aspect set aside the memo dated 09.02.2024 and 30.09.2024 by its judgment and order dated 26.09.2025. Hence, this appeal preferred by the appellants. For convenience, operative part of the judgment and order dated 26.09.2025 is reproduced hereunder:

“Here in the case at hand although in the criminal prosecution final report was submitted and in the departmental proceeding some article of charges were framed and in both the matters the allegations are almost identical and similar in nature. In the criminal proceeding final report was accepted by order dated 18.01.2025 by Learned Special Judge, Court No.4, West Tripura, Agartala against NCC PS Case No.47 of 2021 and in the departmental proceeding the inquiring authority found the petitioner not guilty to any of the article of charge as framed against him So the observation of the Hon’ble Supreme Court in the aforementioned case can be applied in this case and relied upon the same principle. It appears to this court that in the given facts and circumstances of the case the memo dated 09.02.2023 (Annexure-10) of the writ petition and the subsequent memo dated 30.09.2024 issued by the Under Secretary, Government of Tripura (Annexure R/2) have got no legal basis to stand against the present petitioner of this case.

In the result, the petition filed by the petitioner stands allowed and disposed of.

The memo dated 09.02.2024 (Annexure-10 to the writ petition) and the subsequent memo dated 30.09.2024 issued by Under Secretary on behalf of the Governor stands set aside and accordingly the same are quashed.”

4. Mr. K. De, learned Additional GA for the appellants has submitted that the respondent is holding disproportionate assets and surplus amount was credited into the account of both the respondent and his wife, and the respondent could not establish the same through his representation. He has submitted that the appellants went for further inquiry not re-inquiry. Learned Additional GA has stressed upon para 16 of the impugned judgment and has submitted that the Memorandum dated 30.09.2024 is a reasoned order and Rule 15(1) and 15(2) of CCS(CCA) Rules, 1965 has been followed, and thereby urged this court that interference by this Hon’ble Court is very much required.

5. Per contra, learned senior counsel appearing on behalf of the respondent submits that the charges could not be proved against the respondent in any manner and the inquiry authority gave the respondent a

clean chit which would be evident from the Inquiry Report dated 30.09.2022. Learned senior counsel has also submitted that the Inquiry report dated 30.09.2022 has also been accepted by the appellants by their Note No. 115, dated 28.03.2023, and the same has not been brought on record by the appellants. Learned senior counsel has further submitted that the order dated 15.05.2023 has also been suspended by this Court by Order dated 03.07.2023, and in consonance to the same, Order dated 15.05.2023 was cancelled by the appellants. Learned senior counsel has further submitted that again by Order dated 09.02.2024 again directed for further inquiry into the charges. He has further submitted that all the proceedings deals with same allegation. Learned senior counsel has urged this court that the judgment and order dated 26.09.2025 passed by this Hon'ble High Court requires no interference.

6. We have given our thoughtful consideration to the submissions advanced at bar and have carefully gone through the impugned judgment and the materials available on record..

7. It is evident that inquiry, re-inquiry, further inquiry pertains to same cause of action. It is well settled that while passing any order reason has to be followed by fact finding. From the inquiry report dated 30.11.2022, it is evident that the prosecution has totally failed to bring home any of the Article of Charge against the Accused Officer i.e. the respondent herein, and hence the AO i.e. the respondent cannot be held guilty to any of the Article of Charge as framed against him. From the Note No. 115, dated 28.03.2023 it is also found that the finding of the Inquiry Authority has been accepted by the Disciplinary Authority (Annexure 19 to the original writ petition).

Thus, Note No. 115 shows that the Disciplinary Authority has accepted and agreed with the report of the Inquiring Authority, but from the Memorandum dated 30.09.2024, it is seen that the Disciplinary Authority is not satisfied with the Inquiry report and thereby directed for further inquiry, to which the respondent being original writ petition approached this Court by filing WP(C) 285 of 2024. Learned Single Judge, by its well reasoned judgment and order dated 26.09.2025 allowed the writ petition consequent to which the Memorandum dated 09.02.2024 and 30.09.2024 was quashed. In Para 16 of the judgment and order, it has been held as under:

"16. I have gone through the relevant documents submitted by both the parties. I have also gone through the citation of the Division Bench of this High Court referred by Learned Senior Counsel appearing for the petitioner. In para-10 of the said citation this Hon'ble High Court observed that where on the evidence on record and without any further evidence being recorded the disciplinary authority is of the view that the finding recorded by the Inquiring Officer exonerating the delinquent official is against the evidence of law. In such a case, the disciplinary authority is directed to indicate and give its prima facie or tentative reasons for disagreeing with the report of the inquiring authority and then communicate the reasons to the delinquent official giving him a chance to put forth his case and answer the queries of the disciplinary authority and thereafter as per para-11, the disciplinary authority is required not only to consider the inquiry report but also it's own tentative reasoning as well as the reply given by the delinquent official and after considering all three the disciplinary authority has a right to form his own opinion on the basis of the evidence. This does not envisage the holding of any fresh inquiry but only on the basis of the evidence already recorded by the Inquiring Officer the action is to be taken. But here in the case at hand on perusal of the memo dated 09.02.2024 i.e. Annexure-10 of the writ petition and memo dated 30.09.2024 [AnnexureR/2] relied upon by the State-respondents it appears to this Court that the directions of the Division Bench in the aforesaid case was not followed in the present case at hand by the disciplinary authority rather the disciplinary authority mechanically issued the memorandum without following the mandate of law which caused grave injustice to the present petitioner. Further there is no rule which permits disciplinary authority to start a fresh inquiry. In the present case the disciplinary authority did not follow any of the above two options rather the disciplinary authority came to the observation that the inquiry was not conducted by IA as summary trial where in the IA in search of the concrete evidence against the I.O. has concluded the inquiry considering the accused officer not guilty of the charges find against him and as per CCS(CCA) Rules, 1965 disciplinary proceeding conducted and concluded considering the preponderance of probability and thus I.O. concluded the case giving benefit of doubt to the I.O. (memo dated 09.02.2024 Annexure-10). Further in memo dated 30.09.2024 it was the observation of the under Secretary, GA(AR) Department that as per Rule 15(1) if the Disciplinary Authority is not satisfied with the inquiry report it may remit the case to the Inquiring Authority for further inquiry and therefore based on the deposition made by the hostile witness the matter is remitted back to CDI for further inquiry from the stage of examination of prosecution witnesses. Thus it appears that the disciplinary authority in passing the orders did not actually follow the rule as contained in 15(1) and 15(2) of the CCS(CCA) Rules and also the observation passed by this Hon'ble High Court in para No.10 and 11 and ordered for a fresh inquiry i.e. De Novo inquiry from the stage of examination of prosecution witnesses which was not permissible under the law and the procedure followed according to this Court was totally illegal. As such, this Court is of the considered opinion that the subsequent order for fresh inquiry by the aforesaid memo dated 09.02.2024 and memo dated 30.09.2024 are illegal, inoperative and not binding upon the petitioner and the same were not issued in accordance with the relevant rules of the CCS(CCA) Rules, 1965 and also in violation of the judgment

delivered by this High Court in the aforementioned case. As such in the considered view of this Court the petitioner has got a prima facie case and there is no scope to proceed for fresh inquiry as ordered by the State respondents against the petitioner. It is also necessary to be mentioned here that in course of hearing Learned Senior Counsel appearing for the petitioner drawn the attention of this Court that the criminal case filed against the petitioner was ended in final report and by order dated 18.01.2025 in NCC P.S. Case No.47 of 2021 passed by the Learned Special Judge, Court No.4, West Tripura, Agartala accepted the final report submitted by I.O. and challenging that order dated 18.02.2025, no appeal has been preferred by the State respondents against the petitioner of this case."

8. It is well settled that when charges are not proved against a delinquent in a properly conducted disciplinary enquiry, the Disciplinary Authority cannot order a fresh ("de novo") inquiry on the same set of facts. A re-inquiry is permissible if the previous one was vitiated due to procedural lapses rather than a total lack of evidence. The authority must usually record reasons for initiating the re-inquiry, particularly in cases involving a disagreement with a previous inquiry report. In the case in hand, from the Note No. 115, dated 28.03.2023 issued by the respondents, it is evidently clear that there is no disagreement to the inquiry report and in the Memo dated 30.09.2024 there is no reason explained so as to conduct fresh inquiry. A fresh (de novo) inquiry cannot be ordered once an inquiry report has been submitted and accepted by the disciplinary authority, unless specific, exceptional circumstances exist, and in the case in hand, no exceptional circumstances arose.

9. For the foregoing reasons, we find no merit in this appeal. The same is, accordingly, dismissed.

Pending application(s), if any, also stands disposed.

S.DATTA PURKAYASTHA,J

DR.T. AMARNATH GOUD,J

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