

HIGH COURT OF TRIPURA

AGARTALA

W.A. 3/2026

Sri Pradip Kumar Ghosh, son of late Paresh Chandra Ghosh, resident of Bordowali, NBRC Para, opposite of NBRC Club, PO: AD Nagar, Pin-799003, Agartala, District: West Tripura.

----Appellant

Versus

1. The State of Tripura, represented by the Secretary, Health & Family Welfare Department, Government of Tripura, Agartala, PO: New Secretariat-799010, P.S. New Capital Complex, District: West Tripura.

2. The Secretary, GA (AR) Department, Government of Tripura, P.O.New Secretariat- 799010, P.S. New Capital Complex, District: West Tripura.

3. The Director of Health Services, Government of Tripura, P.O: Kunjaban-799006, P.S. New Capital Complex, District-West Tripura.

4. The I/C Director of Health Services, [Prof. (Dr.) Sanjib Kumar Debbarma], Disciplinary Authority, Government of Tripura, P.O- Kunjaban-799006, P.S. New Capital Complex, District-West Tripura.

5. The Sub-Divisional Magistrate, Sadar, P.O. Agartala-799001, P.S. West Agartala, District-West Tripura;

----Respondents

For the Appellant(s) : Mr. D. Bhattacharya, Sr. Adv.,
Mr. S. Das, Advocate

For the Respondent(s) : Mr. Kohinoor N. Bhattacharjee GA

Date of hearing and delivery:

of Judgment & Order : **28.01.2026**

Whether fit for reporting : **Yes/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. D. Bhattacharjee, learned senior counsel assisted by Mr. S. Das, learned Counsel appearing for the appellants. Also heard Mr. Kohinoor N. Bhattacharjee, learned GA, appearing for the respondents.

2. By means of filing this writ appeal, the appellant herein, challenged the judgment and order dated 20.11.2025 passed by a Single Judge of this High court in WP(C) 306 of 2025.

3. Shortly stated, the original writ petitioner, was put under suspension on 14.04.2024 on an allegation that he was involved in political campaign and was promoting a particular political party and thereby he has violated Rule 5 of TSCS(Conduct) Rules 1988. Thereafter, the petitioner made representation on 11.02.2025 for revocation of his suspension order, but the respondents vide Memo dated 07.03.2025 initiated departmental proceeding against the petitioner. Feeling aggrieved, the petitioner filed the writ petition with a prayer for quashing the suspension order together with the departmental proceeding. However, during pendency of the writ petition, the respondents have revoked the suspension order, but proceeded with the departmental proceeding. After hearing learned counsel for the parties to the *lis*, learned Single Judge dismissed the original writ petition holding that the departmental proceeding, so initiated against the petitioner shall be concluded within six months otherwise the departmental proceeding initiated against the petitioner shall be deemed to have been cancelled. For convenience, operative part of the judgment and order dated 12.11.2025 is reproduced hereunder:

“8. So, considering the law laid down by the Hon’ble Apex Court in the aforementioned cases in the considered opinion of this Court the present petitioner is not entitled to get any relief in this writ petition at this stage till conclusion of the proceeding pending against him.

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.”

4. Mr. Bhattacharya, learned senior counsel for the appellant has submitted that the charge framed against the original writ petitioner is vague

since the same does not speak about involvement of the petitioner with any political activity. Learned senior counsel has further submitted that the In-charge, Director of Health Service who is the disciplinary authority cannot issue the suspension order as well as the Article of Charge, as he has been cited as witness in the charge-sheet, and on to that aspect, learned senior counsel has urged this court to quash the Memo dated 07.03.2025. However, submission of learned counsel on other legal points, are not worthy for consideration, at this stage.

5. Per contra, learned GA appearing on behalf of the respondents submits that suspension order against the petitioner has already been revoked and urged that since the case is at the very nascent stage there is no scope for passing any direction upon the respondents for quashing the Memo dated 07.03.2025. It has been further submitted that the petitioner has no scope to challenge the Memo dated 07.03.2025 at this very initial stage and the writ court has rightly declined the relief as prayed for. To substantiate the submission, learned GA has relied on *State of Jharkhand and others vs. Rukma Kesh Mishra*, reported in 2025 SC OnLine SC 676, (para 11) ; *Secretary, Ministry of Defence and others vs. Prabhask Chandra Mirdha*, reported in (2012) 11 SCC 565, (para 10).

6. This court has meticulously gone through the records from where it is evident that the original writ petition is not maintainable on the point that there was no impugned order and the writ petition has been filed challenging initiation of the departmental proceeding. The petitioner has submitted his representation only on 20.05.2025 with certain prayers and during pendency of the writ petition the suspension order was already revoked. The proceeding is pending before the respondent-authority and is in

progress. Even before the same is concluded, the writ petition was filed. Further, the learned Single Judge vide its Order dated 12.11.2025 expressed its view to conclude the proceeding within a stipulated period failing which the proceeding shall be deemed to have been abated, but in the midst of proceeding, the appeal has been filed. In any manner it cannot be said that the petitioner has been precluded from raising proper contentions before the authority. If any adverse order is passed at the end of the same, then, that can be challenged in appeal. In the face of such remedies, the writ petition has rightly been dismissed by learned Single Judge as *premature* since it was filed before the exhaustion of available alternative remedies or before a cause of action has fully accrued. The petitioner was required to exhaust statutory remedies before filing the writ petition.

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.

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

S.DATTA PURKAYASTHA,J

DR.T. AMARNATH GOUD,J

SAIKAT KAR

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