

HIGH COURT OF TRIPURA

AGARTALA

Rev. Pet. No. 07 of 2015

Petitioner :

Sri Swapan Kumar Bhattacharyya,
S/o Late Mono Ranjan Bhattacharyya,
77 Jagannath Bari Road,
Near old R.M.S. Chowmuhoni,
P.O. – Agartala, P.S. – West Agartala,
(Retired Additional District & Sessions Judge,
Khowai, West Tripura, Tripura).

By Advocate :

Petitioner in person.

Appellant-Respondents :

- 1. The State of Tripura**
Represented by the Law Secretary,
Government of Tripura, Agartala.
- 2. The High Court of Tripura,**
Represented by the Registrar General,
High Court of Tripura, Agartala.
- 3. Sri Subhas Sikdar,**
Enquiry Officer of D.P.No.1 of 2012,
District & Sessions Judge,
West Tripura, Agartala.

By Advocate :

None.

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA
THE HON'BLE MR. JUSTICE S. TALAPATRA

Date of hearing &
Judgment & Order : **16th March, 2015.**

Whether fit for reporting :

Yes	No
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JUDGMENT & ORDER (ORAL)

(DEEPAK GUPTA, CJ)

Heard the petitioner at length.

[2] The grievance of the petitioner is that the judgment and order passed by us on 02.02.2015 dismissing the Writ Petition No.36 of 2015 is an erroneous judgment which requires to be recalled. We have gone through all the paragraphs pointed out by the petitioner.

[3] The writ petition filed by the petitioner was rejected on three grounds. The first ground raised by the petitioner was that the Registrar, Vigilance had no authority to issue the sanction. In the order we found that it was the Secretary, Law to the Government of Tripura who had signed the sanction order. The next ground raised by the petitioner was that the order has not been signed by the Governor.

[3] We had rejected this contention on the ground that under the Rules of business every order passed in the name of His Excellency, the Governor is not to be signed by him and is to be signed by his authorized authority.

[4] The third ground was that the sanction was granted to initiate disciplinary proceedings against the petitioner, Additional District & Sessions Judge, Fast Track Court, Khowai, West Tripura, Tripura whereas the disciplinary proceedings relate to the period when the petitioner was working as Chief Judicial Magistrate.

[5] We had rejected this contention on the ground that it is the Officer and not the post against which disciplinary proceedings are initiated. We had also found that one of the main grounds for rejecting the writ petition by the petitioner who was a judicial officer was as follows:

"8. We are constrained to observe that though the petitioner had earlier filed WP(C)240 of 2013 in this Court, he while filing the present writ petition has made no reference to the earlier petition. The petitioner is a retired judicial officer and when any person approaches the Court he must do so with clean hands. He must disclose to the Court whether he had filed a petition earlier or not. The petitioner now states that the earlier petition has no relevance because the sanction order was supplied to him only in the month of June, 2014. Even if we accept that statement to be correct, the memorandum had been received by him in the year 2011. He could have in this petition mentioned that earlier he had filed a writ petition and he could have stated why he could not take the grounds which are raised in this petition in the earlier petition. However, he could not conceal this extremely relevant fact from this Court. This is not at all acceptable of any litigant least of all a retired judicial officer.

9. In the earlier writ petition we had allowed some of the prayers made by the petitioner and we had thereafter directed the Inquiry Officer to conduct the proceedings only in regard to those allegations against the petitioner which had taken place less than 4 years prior to the initiation of the inquiry. The petitioner is still free to argue this matter before the Inquiry Officer but as far as the prayer that the sanction is improper is concerned, the same is without any merit and is rejected."

[6] According to the petitioner he had by mistake in not mentioning the number of the earlier writ petition referred to two paragraphs in his writ petition which read as follows:

"5. That, the matter relating to the rule 9(2)(b)(ii) is not a subject matter here."

17. That, the Momorandum, of charge-sheet issued to the petitioner on 04-06-2011 (Annexure-2) without any sanction order and other documents, while barely on 28-04-14 (Annexure-3) the copy of the alleged sanction order alongwith other documents was supplied to the petitioner and then the matter of "sanction" came to the knowledge of

the petitioner, and so the petitioner did not have any scope to raise question about the alleged sanction order earlier.”

It is contended by the petitioner that only writ petition number has not been mentioned and that was a mistake. We are unable to accept this argument. Both para-5 and para-17 do not make reference to any earlier writ petition having been filed. Not only the number of the earlier writ is not mentioned but there is not even the remotest reference that earlier the petitioner had approached this Court.

[7] The petitioner has failed to point out any error much less an error apparent on the face of the record and therefore, we find no merit in the review petition which is accordingly dismissed.

JUDGE

CHIEF JUSTICE