

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 51 OF 2010

Dr. Sankar Chandra Halder,
S/O. Sri Nakul Chandra Halder,
Resident of East Shibnagar College Road,
P.S. East Agartala,
District- West Tripura.

..... **Petitioner.**

- V e r s u s -

1. The State of Tripura,
represented by the Principal Secretary,
Government of Tripura,
Health & Family Welfare Department,
Agartala.
2. The Society for Tripura Medical College &
Dr. BRAM Teaching Hospital,
Represented by the Chief Executive Officer,
Hapania, P.S. Amtali, Bishalgarh,
West Tripura.
3. The Chief Executive Officer,
Tripura Medical College &
Dr. BRAM Teaching Hospital,
Hapania, P.S. Amtali, Bishalgarh,
West Tripura.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the petitioner : None.

For the respondents 2 & 3 : Mr. T.D. Majumder, Advocate.

Date of hearing and
delivery of judgment
and order. : 28.01.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

(Deepak Gupta, C.J.)

When this matter was taken up on 10-12-2014, none appeared for the petitioner. However, since Mr. T.D. Majumder, learned counsel for the Society, had requested for an adjournment, we had not dismissed the case in default and adjourned it for today. Today also none appears for the petitioner. We, therefore, proceed to decide the case on merits.

2. The admitted facts are that the petitioner was appointed as Senior Resident in the Tripura Medical College & Dr. BRAM Teaching Hospital at Hapania. He was thereafter promoted as Assistant Professor and was working as such. It appears that a complaint was received by the hospital authorities against the petitioner that he was taking extra money from the patients. An inquiry was conducted into the matter.

3. At this stage, it would be pertinent to mention that the respondent is a Society, no doubt promoted by the State of Tripura but it is not a Government undertaking. Therefore, the CCS (CCA) rules are not applicable to the Society. The Society has its own bylaws and guidelines which must be fair and which must be consistent with the rules of natural justice.

4. A news item appeared in a newspaper "Daily Desher Katha" on 03-09-2009 in which serious allegation was made against the petitioner who was working as Assistant Professor in

the Department of Orthopaedics. Thereafter, the Principal of the respondent-College on 08-09-2009 constituted an Enquiry Committee under the Chairmanship of Dr. L. Amarjit Singh. This Enquiry Committee issued notice to the petitioner and others and the inquiry proceedings were conducted on 11th, 12th and 14th September, 2009. On the basis of the statements of the various persons recorded by the Enquiry Committee, it was found that the petitioner was irregular in his duties and also came to a finding that the petitioner had charged Rs.7,000/- from a patient over and above the hospital charges. Thereafter, the services of the petitioner were terminated. These findings of the committee are pure findings of fact. None has appeared before us on behalf of the petitioner to challenge the correctness of these findings.

5. Therefore, we find no merit in the petition which is accordingly dismissed.

JUDGE

CHIEF JUSTICE