

Party Name : THE STATE OF TRIPURA & ORS Vs BIPLABENDU ROY

THE HONBLE MR. JUSTICE S.TALAPATRA

This is a petition filed by the State-respondents, the petitioners herein seeking to vacate the interim order dated 26.03.2015, which was absolute by the order dated 16.06.2015. For purpose of reference, the orders dated 26.03.2015 and 16.06.2-015 are extracted hereunder:

"26.03.2015

Heard learned counsel Mr. A. Bhowmik for the petitioner and learned G.A. for the respondent Nos. 1 and 2.

Issue notice to the respondents returnable within 4(four) weeks.

In the meantime, the respondents are directed to maintain status quo.

List the matter on 08.05.2015."

"16.06.2015

Heard learned counsel, Mr. A. Bhowmik for the petitioner.

Learned Government Advocate, Mr.T.D. Majumder for the respondent-O.P. Nos.1 and 2 and learned counsel, Mr. T. Debbarma, appearing on behalf of learned counsel, Mr. P. Dutta for the respondent No.3, are present.

No written objection has been filed by the respondent-O.Ps.

So, the interim order passed on 26.03.2015 is made absolute.

The C. M. Application accordingly stands disposed of.

However, the respondents will be at liberty to come up with appropriate petition for vacating the interim order, if so advised."

It is apparent from the order dated 26.03.2015 that the respondents are directed to maintain *status quo*, but it is not indicated in respect of what.

By this petition, the State-respondents has submitted that for such general nature of the order of *status quo*, the Finance Department has been finding difficulty to appoint the Law Officer.

Mr. Bhowmik, learned counsel appearing for the petitioner has fairly submitted that the *status quo* has to be understood in respect of the position of the petitioner, not about other appointments and he has categorically submitted that the petitioner has no opposition if any person is appointed as the Law Officer in the office of the Commissioner of Taxes & Excise, Finance Department, Government of Tripura.

Having regard to the submissions made by the learned counsel for the parties as well as on perusal of the relevant orders as reproduced hereinabove, this Court is of the view that the order of *status quo* as passed by this Court shall not prohibit the State-respondents from appointing any person as Law Officer in the office of the Commissioner of Taxes & Excise, Finance Department, Government of Tripura.

Accordingly, it is clarified.

This petition stands disposed of. However, *status quo* in respect of the position of the petitioner shall be maintained.