

Party Name : INDRA KR. DEBBARMA Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. Dutta, learned counsel appearing for the petitioner as well as Mr. T. D. Majumder, learned GA appearing for the State-respondents.

A very short question falls for consideration of this Court. The petitioner was placed under suspension in exercise of the powers conferred by Sub-Rule 1 of Rule 10 of the CCS (CCA) Rules, 1965 in contemplation of a disciplinary proceeding by the order dated 02.06.2014, Annexure-A to the writ petition but thereafter no communication has been made to the petitioner as to whether the said suspension order was required to be continued for the purpose of the disciplinary proceeding as contemplated. However, the petitioner has been provided subsistence allowance in accordance with the rules.

Mr. Dutta, learned counsel for the petitioner has categorically submitted that the memorandum containing the charges or any order launching the departmental proceeding has not yet been passed against the petitioner though a period over one year has elapsed by this time.

Mr. T. D. Majumder, learned GA has submitted that the said non-action is appealable under Rule 23 of the CCS (CCA) Rules, 1965 and as such according to him the writ petition should not be entertained for existence of the efficacious alternative remedy.

This Court is, however, not persuaded by the contention as advanced by Mr. T. D.

Majumder, learned GA as the purpose of suspension is not to tantalize the petitioner when he is in a state which is half animated. There should be periodical review whether the order of suspension should be continued or not. For that purpose, one year time is more than enough and as such, this Court is of the view that the disciplinary authority shall review the suspension order dated 02.06.2014 within 6 (six) weeks from today. If no such exercise is taken, the order dated 02.06.2014 shall stand automatically revoked.

With this direction and observation this petition stands allowed to the extent as indicated above.

A copy of this order be furnished to Mr. T. D. Majumder, learned GA for onward transmission. The petitioner however shall be at liberty to take recourse at law if he is aggrieved by any order passed in terms of this order.