

IN THE HIGH COURT OF TRIPURA
AGARTALA

W. P.(C) No.110 of 2010

Petitioner:

Sri Bipul Choudhury,
S/o. Sri Chitta Ranjan Choudhury,
Resident of Village - Jalefa,
P.O. Jalefa Bazar, Sub-Division- Sabroom,
District – South Tripura.

BY ADVOCATE:

Mr. Somik Deb, Advocate.

– Versus –

Respondents:

1. The State of Tripura,
Represented by the Secretary to the Department of Home,
Government of Tripura,
Having his office at Secretariat Complex,
Agartala, West Tripura.
2. The Director General of Police,
Having his office at Police Headquarters,
Agartala, West Tripura.
3. The Deputy Inspector General of Police, AP (Adm. & Trg.),
Having his office at Police Headquarters,
Agartala, West Tripura.
4. The Commandant,
3rd Bn., Tripura State Rifles,
Having his office at Aambasa, District – Dhalai, Tripura.

BY ADVOCATE:

Mr. T. D. Majumder, GA.

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

Date of hearing and delivery : **19.01.2015**
of judgment and order

Whether it is fit for reporting : No

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ)

By means of this writ petition the petitioner who was serving as
enrolled follower in the Tripura State Rifles has challenged the order dated 3rd

February, 2003 whereby he was ordered to be dismissed from service solely on the ground that he had been convicted under Section 498(A) read with Section 302 of the IPC.

02. The order by which the services of the petitioner was terminated clearly indicates that the only ground which weighed with the Commandant while terminating the services of the petitioner was the fact that he had been convicted by the criminal court under Section 498(A) and 302 of the IPC. No other ground was taken into consideration by him.

03. The conviction of the petitioner was challenged by him by filing Criminal Appeal No.08.2003 and this appeal of the petitioner was allowed and the Agartala Bench of the Gauhati High Court came to the conclusion that the circumstantial evidence produced by the prosecution was not sufficient to draw an inference of guilt of the accused. The judgment of the trial court convicting and sentencing the petitioner was set aside and the petitioner accused was acquitted. Thereafter, the petitioner filed a representation to the authorities that since he had been acquitted he should be taken back in service. He thereafter filed the writ petition in the year 2010. On 29th August, 2009, he was informed that his case is under consideration of the appellate authority.

04. Since no decision of the appellate authority was communicated to the petitioner, in March 2010 the petitioner filed the present writ petition in this Court. Now the stand of the Government is that the petitioner was initially charged for absenting from the duty and memorandum in this behalf was issued to him on 7th March, 2000 and finally a decision was taken on 14th April, 2002 to hold an inquiry against him. In the mean time, the petitioner

was convicted and hence his services was ordered to be terminated on the ground of his conviction.

05. As far as the conviction is concerned that has been set aside and therefore the very basis of the order terminating the services of the petitioner no longer exists. He therefore has to be reinstated in service. We accordingly allow the petitioner and direct that the petitioner shall be reinstated in service on or before 30th April, 2015. The petitioner was acquitted by the High Court on 02.04.2009 and he made the representation on 07.07.2009 as is apparent from the letter dated 29th August, 2009 of the State Government. Therefore, the petitioner is entitled to back wages w.e.f. 07.07.2009 till he is reinstated. The back wages be paid to the petitioner latest by 30th June, 2015 failing which the State shall be liable to pay interest on the same @ 9%. Liberty is reserved to the State to continue with the action with the disciplinary proceedings which were initiated in the year 2002 and/or to take any other disciplinary action against the petitioner as it may be required.

06. With these observations, the writ petition is disposed of. No costs.

JUDGE

CHIEF JUSTICE

MB