

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) NO.6 OF 2015

Roituadinga Darlong,
S/O Sri Tuahnila Darlong,
Village-Darchawi,
P.O. & P.S. Kumarghat,
District-Unakoti, Tripura, Pin-799264.

..... *Petitioner*

- *Vs* -

1. The Managing Committee,
Darchawi Christian H.S. School,
Represented by its Secretary,
P.O. & P.S. Kumarghat,
District-Unakoti, Tripura,
Pin-799264.

2. The Secretary,
Managing Committee,
Darchawi Christian H.S. School,
P.O. & P.S. Kumarghat,
District-Unakoti, Tripura,
Pin-799264.

3. The State of Tripura,
Represented by the Secretary,
School Education Department,
Government of Tripura,
New Secretariat Complex,
P.O. Secretariat, Pin-799010,
District-West Tripura, Agartala.

4. The Director of School Education,
Government of Tripura,
P.O. Agartala, Pin-799001,
District-West Tripura, Agartala.

5. The Head Mistress/DDO,
Darchawi Christian H.S. School,
P.O. & P.S. Kumarghat,
District-Unakoti, Tripura, Pin-799264.

6. The Treasury Officer,
Kailashahar, P.O. Kailashahar,
District-Unakoti, Tripura, Pin-799277.

..... *Respondents*

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

For the petitioner : Mr. C.S. Sinha, Advocate
For respondent nos.1,2 & 5 : Mr. J. Majumder, Advocate
For respondent nos.3 & 4 : Mr. T. D. Majumder, G.A.
Date of hearing and delivery
of Judgment & order : **14.07.2015**

Whether Fit for Reporting :

Yes	No
	√

JUDGMENT & ORDER(ORAL)

(Deepak Gupta, C.J.)

The Treasury Officer, Mr. Commissioner Kalai has appeared in person. He has submitted that he due to a lot of work could not remember the date. He is directed to be careful in future and he should ensure that Court work is given precedence over all other work.

2. The Treasury Officer has filed his affidavit in which it is stated that it is not the job of the Treasury Office to verify the facts and it is the responsibility of the Drawing and Disbursing Officer(DDO) to verify the correctness of the facts mentioned in the treasury bill. We agree with the Treasury Officer that it is the Treasury Officer who cannot verify each and every bill on the facts. He is only to see whether such bill is payable under norms or not.

3. On merits we find that the petitioner retired from service of Darchawi Christian Higher Secondary School, Kumarghat on 30.06.2014. This School is a Government aided school. The case of the petitioner was that even after his retirement the school authorities including the DDO were drawing pay and allowances in his name without deletion of his name from the employment roll.

4. On notice having been issued the response of the School and the DDO is that the practice being followed earlier was that the entire grant for the year was taken in advance and since the petitioner retired during the middle of the year by mistake the bills were being drawn but actually the amount was not paid to the petitioner but kept in the account of the School. It is admitted that this amount should have been returned to the Department of School Education but due to mistake this was not done. The stand of the DDO and the School authorities is that this was an unintentional mistake and there was no intention to misuse the funds.

5. On perusal of the records we find that the funds remained with the School and have not been used for any other purpose. The mistake has been admitted and, therefore, we close this petition with a direction that the DDO should ensure before submitting the bills that the bills are to be paid or not. We also direct the Department of Education to give direction to all the Schools that they while asking for the grants should clearly state

which employees are going to retire on which date so that the grant can be calculated properly.

6. With these observations the writ petition is disposed of.

JUDGE

CHIEF JUSTICE