

Party Name : BIPUL CHOUDHURY Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.C.DAS

This is a withdrawal application in which the applicant-petitioner has prayed that he may be permitted to withdraw the Writ Petition No.317 of 2014 with a prayer that the petitioner may allow the withdraw the petition with liberty to file a fresh petition.

As far as the Writ Petition No.317 of 2014 is concerned, in that the petitioner has challenged some order dated 03.02.2014.

It appears that the petitioner was not aware of what has happening. The petitioner had also filed one W.P(C) No. 110 of 2010 where he was represented by Sri Somik Deb, Advocate and this petition was disposed of by this Court on 19.01.2015 and the following order was passed:

"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."

Therefore, it is clear that we had directed that the petitioner be reinstated in service on or before 30th April, 2015. He has also been held entitled to back wages. The petitioner has made no reference to the writ petition number W.P(C) No. 110 of 2010 filed by him or to the order passed by it on the same petition by this Court. Even while filing W.P(C) No. 317 of 2014 he had made no reference to the fact that he had filed an earlier petition.

This is not a case of a person who does not know what is happening. The present petition is the 3rd petition filed by the petitioner in Court. The petitioner is regularly filing petitions in Court and he should have informed his counsel about all the cases filed.

Therefore, though we permit the petition to be withdrawn, we impose costs of Rs.2000/- on the petitioner. Cost to be paid to the Tripura High Court Legal Services Committee within a period of 6(six) weeks from today. The petitioner is also warned that if any further occurrence of this type comes to the notice of this Court, action under the Contempt of Courts Act may also be initiated against him.

It is also made clear that the petitioner shall not be entitled to file any fresh petition on the same or similar cause of action.

C.M. application is disposed of.