

THE HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) 250 of 2015

Sri Sajal Kanti Das Gupta,
Son of Lt. Pramod Das Gupta,
Pragati Road,
P.O. Agartala, P.S. West Agartala,
District – West Tripura.

..... *Petitioner*

- Vs. -

1. The State of Tripura,
To be represented by the Chief Secretary,
Department of Panchayat,
Government of Tripura, Civil Secretariat Complex,
P.O. Kunjaban, Agartala, West Tripura.
PIN – 799006.
2. The Director,
Department of Panchayat,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban, Agartala,
District - West Tripura.
PIN – 799006.
3. The Secretary,
Department of Law,
Government of Tripura,
Civil Secretariat Complex,
P.O. Kunjaban, PIN – 799006,
Agartala, West Tripura.

..... *Respondents*

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

For the Petitioner	: Mr. Samarjit Bhattacharjee, Advocate. Mr. K. Nath, Advocate.
For the respondents	: Mr. J. Majumder, Advocate.

Date of hearing & delivery of Judgment & order : 31.08.2015.

Whether fit for reporting : No.

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

By means of this writ petition, the petitioner has prayed that the Memorandum dated 25.06.2010 which is the Memorandum of Charges submitted against the petitioner be quashed and he has also prayed that the order dated 25.02.2015 whereby Sri Pratap Chakma was appointed as Inquiry Authority may be quashed and set aside.

2. The petitioner was placed under suspension in August, 2007 on the ground that inquiry proceedings are contemplated against him. The suspension order was revoked on 16th December, 2010 but in the mean time, disciplinary proceedings were initiated against him vide Memorandum dated 25th June, 2010. The grievance of the petitioner is that more than 5 years have elapsed and the inquiry is still at the initial stages. According to the petitioner, he is going to retire on 31st December, 2016 and in case, the inquiry proceedings proceed at this space that they will never come to an end. He also submits that as per the directions of the Government, all such inquiry should be completed within 9 months and since the inquiry has not been completed within the period prescribed, the same should be quashed.

3. We had called for the records and from the records, we find that in fact on most of the dates, the inquiry could not be conducted because either the presenting officer or the inquiry officer was on leave. There is hardly any delay caused by the petitioner delinquent official. He should not be made to suffer for the fault of the presenting officer or the inquiry officer.

4. We are not inclined to quash the inquiry proceedings because the charges levelled against the petitioner are serious. However, the petitioner is entitled to pray that the inquiry should be completed against him within a reasonable period. We have been informed by Mr. J. Majumder, learned counsel that in fact Sri Pradip Chakma has also been transferred and a new inquiry officer may have to be appointed.

5. We, therefore, dispose of the writ petition with the following directions:-

(i) that the State of Tripura shall make an effort to complete the inquiry as early as possible and in an event not later than 31st March, 2016;

(ii) in case, a fresh inquiry officer has to be appointed, the said inquiry officer be positively appointed by 30th September, 2015;

(iii) that the petitioner, if he requires any documents, can file a written application before the inquiring officer and the said officer shall consider the application in accordance with the CCS (CCA) Rules and pass orders on the same. Thereafter, the inquiry shall proceed as expeditiously as possible and if necessary, on day to day basis;

(iv) We also direct the petitioner to cooperate with the inquiry and in case, the petitioner does not cooperate in the early disposal of the inquiry proceedings then the State shall be at liberty to approach this Court for modification of this order.

6. In case, the order of the inquiry officer is against the petitioner and the petitioner files an appeal within the statutory period, the appellate authority shall dispose of the appeal within one month from the receipt of the same.

7. The writ petition is disposed of in the aforesaid terms.
No costs.

JUDGE

CHIEF JUSTICE

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