

IN THE HIGH COURT OF TRIPURA
AGARTALA

WP(C)275 OF 2012

1. Shri Biswajit Roy
son of late Nepal Behari Roy
resident of Banamalipur, Agartala
P.O. Dhaleswar, P.S. East Agartala
District : West Tripura

.....Petitioner

- Vs -

1. The State of Tripura
represented by the Secretary to the
Government of Tripura, in the Public
Works Department, (R&B) having its office
at Civil Secretariat, New Capital Complex
Khejur Bagan, P.O. Kunjaban, P.S. East Agartala
District : West Tripura
2. The Secretary to the Government of Tripura
in the Power Department, having its office at Civil
Secretariat, New Capital Complex, Khejur Bagan
P.O. Kunjaban, P.S. East Agartala, District : West Tripura
3. Tripura State Electricity Corporation Ltd.
Represented by its Managing Director-cum-Chairman
having its Office at Bidyut Bhaban, B.K. Road, Agartala
P.O. Agartala, P.S. East Agartala, District : West Tripura
4. The Additional General Manager
Tripura State Electricity Corporation Ltd.
Electrical Circle No.III, Kumarghat
P.O. Kumarghat, P.S. Kumarghat
District : North Tripura
5. The Chief Engineer
Public Works Department (R&B)
New Capital Complex, Secretariat Building
Third Floor, P.O. Kunjaban
P.S. East Agartala
District : West Tripura

.....Respondents

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner : None

For the respondents : Mr. S. Chakraborty, Addl. G.A.

Date of hearing,
judgment & order : 01.10.2015

Whether fit for reporting :

Yes	No

JUDGMENT & ORDER (Oral)

None appears for the petitioner. Mr. S. Chakraborty, learned Addl. Govt. Advocate appearing for the respondents has produced the record in terms of the order dated 29.09.2015.

[2] By means of this petition, the petitioner has prayed for quashing the memorandum dated 26.04.2002 (Annexure-C to the writ petition) whereby some charges of misconduct were levelled against the petitioner for purpose of proceeding departmentally.

[3] The petitioner has further prayed for directing the respondents to release the arrear pay and allowances of the period of suspension and also giving the benefit of the pay revisions as introduced in the meanwhile. The petitioner was indisputably placed under suspension with effect from 17.10.2001 by means of the order dated 21.11.2001 (Annexure-B to the writ petition). The said suspension was revoked by the competent authority, the Chief Engineer, Public Works Department(R&B) by

the order dated 27.11.2007 (Annexure-D to the writ petition). The petitioner has also asserted that by the judgment and order dated 30.11.2010, delivered in GR No. 154 of 2001, the Sub Judicial Magistrate Khowai, West Tripura acquitted the petitioner from the charge as framed under section 409 of the IPC as the charge could not be proved by the prosecution beyond reasonable doubt. Thereafter, the petitioner, by filing a representation (Annexure-7 to the writ petition), asked for the similar benefits as prayed in this writ petition.

[4] From the written instruction as received by Mr. S. Chakraborty, learned Addl. Govt. Advocate, it transpires that after the petitioner was acquitted from the criminal prosecution, a departmental proceeding was initiated against him by the office memorandum dated 26.04.2002. The said case was in due course referred to the Inquiring authority and on culmination of the inquiry, the Inquiring authority submitted the findings dated 29.01.2014, holding that the charge as brought against the petitioner has not been established. The disciplinary authority has accepted that finding of the Inquiring authority.

[5] It has been recorded in the office order No. F.12(32)-PWD(E-II)/2001 dated 16.08.2014 that the entire period of suspension has been regularised by treating the same on duty for all purposes. By the order F.12(32)-PWD(E-II)/2001 dated 16.08.2014, the concerned Drawing and Disbursing Officer, the

Executive Engineer, PMGSY Division, Agartala was also instructed to settle all claims arising out of the suspension of the petitioner immediately. But Mr. Chakraborty, learned Addl. Govt. Advocate could not state whether all claims have been settled by this time or not.

[6] It can be assumed that already the claims have been settled. However, if the claims are not settled, the petitioner shall be paid the arrears that would accrue to him for regularisation of the entire period of suspension, treating the same on duty within a period of 3(three) months from today. Since the other reliefs have become infructuous in view of the decision taken by the disciplinary authority, this writ petition stands disposed of accordingly.

There shall be no order as to costs. Records placed by Mr. Chakraborty Learned Addl. Govt. Advocate is returned.

JUDGE

Sabyasachi B