

Party Name : MANIK DASGUPTA Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel, Mr. C. S. Sinha for the petitioner and learned counsel, Mr. N. Majumder for the State-respondents.

By filing this writ petition the petitioner prayed for setting aside and/or quashing Vigilance Case No. CR-11/VIG/2014 dated 27.11.2014 and also prayed for quashing letter dated 07.05.2015 by which the State Government asked the petitioner to appear before the vigilance authority in connection with the vigilance case.

The case of the petitioner, in short, is that the Finance Minister to the Government of Tripura received a complaint against the petitioner from one Babul Biswas and Dilip Kundu and that complaint was forwarded to the Lokayukta for inquiry. On receipt of that complaint, Lokayukta issued notice to those complainants, whose name transpired in the bottom of the complaint i.e., Babul Biswas and Dilip Kundu and on receipt of that notice Babul Biswas, who is better known as Amitava Biswas, appeared and Lokayukta recorded his statement and he stated that he did not send any such complaint. The other person Dilip Kundu did not turn up.

Lokayukta by order dated 10.11.2014 dropped the inquiry holding that the complaint was anonymous and no fruitful purpose would be served by conducting a full-fledged inquiry. After that order passed by the Lokayukta, the Superintendent of Police(Vigilance) issued a letter dated 06.05.2015 to the Secretary, General Administration(AR) Department requesting him to direct the petitioner for his appearance before the Superintendent of Police(Vigilance) for an inquiry.

Pursuant to that letter of Superintendent of Police (vigilance), the Deputy Secretary to the Government of Tripura in the General Administration(AR) Department wrote a letter dated 07.05.2015 to the petitioner to appear before the Superintendent of Police(Vigilance).

By filing the writ petition the petitioner challenged the vigilance proceeding as well as the notice sent to him by the Deputy Secretary to the Government of Tripura.

It is submitted by learned counsel, Mr. Sinha for the petitioner that on the basis of an anonymous complaint inquiry was initiated by the Lokayukta, which has been dropped and thereafter only with the view to harass the petitioner further the vigilance inquiry vide Vigilance Case No. CR-11/VIG/2014 dated 27.11.2014 has been initiated, which has no basis at all.

It is very difficult to agree with learned counsel, Mr. Sinha that the vigilance inquiry is initiated only with a view to harass the petitioner and such a contention is highly premature since the inquiry has only been initiated and the authority may continue the inquiry and if a report is furnished only in that case the petitioner would be entitled to challenge it that the report was based on no material. There is noting that once an inquiry was dropped by the Lokayukta, other authority cannot initiate an inquiry against a public servant. The vigilance authority is an independent authority and they have initiated an inquiry at the instance of the State Government against the petitioner, who is a public servant and before initiation of the proceeding, I find no justification to quash the proceeding itself at its inception.

Therefore, the writ petition is found to be devoid of any merit since it is highly premature and hence, it stands dismissed.

The petitioner will be at liberty to approach the court as and when there will be a report submitted against him in case of continuance of the inquiry.