

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.A. No.24 of 2015

Appellant:

Sri Manik Dasgupta,
Son of Lt. Tamal Dasgupta,
resident of Ramangar, Road No.10, P.O.: Ramnagar,
Pin: 799002, District: West Tripura, Agartala

By Advocate:

Mr. C.S. Sinha, Advocate
Mr. D.C. Saha, Advocate

– Versus –

Respondents:

- 1. The State of Tripura**
represented by the Secretary,
GA(AR) Department, Government
of Tripura, P.O: New Secretariat,
PIN-799010, Agartala, West
Tripura
- 2. The Secretary,**
GA(AR) Department, Government
of Tripura, P.O: New Secretariat,
PIN-799010, Agartala, West
Tripura
- 3. The Superintendent of Police (Vigilance),**
Old Secretariat Complex, P.O.
Agartala, PIN- 799001, District-
West Tripura
- 4. The Under Secretary,**
GA (AR) Department, Government
of Tripura, P.O. New Secretariat,
PIN-799010, Agartala, West Tripura
- 5. The Enquiry Officer,**
(Sri Himangsu Roy, Inspector of
Police, Vigilance), Old Secretariat
Complex, P.O: Agartala, PIN-
799001, District: West Tripura
- 6. Sri Babul Biswas,**
S/o Sri Amarendra Biswas, resident
of Ramnagar Road No.9 (West end)

P.O. Ramnagar, PIN- 799002,
Agartala, District- West Tripura

By Advocate:

Mr. N. Majumder, Advocate

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

Date of hearing and delivery : **07.09.2015**
of judgment and order

Whether it is fit for reporting : No

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ)

By means of this writ appeal, the petitioner, the appellant herein, has challenged the judgment dated 01.08.2015 passed in W.P.(C) 312 of 2015 by a learned Single Judge of this Court, whereby he dismissed the writ petition filed by the petitioner.

02. The facts of this case are that two persons namely, Babul Biswas and Dilip Kundu allegedly sent a complaint to various persons including the Finance Minister to the Govt. of Tripura. In this complaint, serious allegations were levelled against the petitioner with regard to corruption. This complaint was forwarded by the department to the learned Lokayukta. The learned Lokayukta issued notices to Babul Biswas and Dilip Kundu. Babul Biswas appeared before the learned Lokayukta and stated that he had not filed the complaint. As far as Dilip Kundu is concerned, he was not even traced out and order of the

learned Lokayukta shows that when notices were issued, the report received was that there is no such person living in the area. Therefore, the learned Lokayukta held that the complaint was an anonymous or pseudonymous complaint and no action could be taken on his name and rejected. Thereafter, the department has forwarded the matter to the vigilance. The petitioner was issued notice by the authorities of the Vigilance Department to appear before them and to make a statement. He sought time to make a statement and also sought certain documents. Thereafter, the petitioner filed the writ petition which has been dismissed.

03. The main contention of Sri C.S. Sinha, learned counsel is that since the complaint has been dismissed by the learned Lokayukta and furthermore since the complaint is an anonymous complaint, no action should be taken on the same without the department first satisfying itself that there is some merit in the case. As far as the first submission is concerned, the learned Lokayukta did not decide the petition on merits. The learned Lokayukta under the Lokayukta Act cannot entertain anonymous complaints. Therefore, he had rejected the complaint without going into the merits of this case. There is no finding of merits by the learned Lokayukta. Whether the department should have initiated straightaway started vigilance proceedings or should it have done an inquiry or not, is not for this Court to decide. It is for the employer to decide what action has to be taken. We are sure that the police will not falsely implicate the

petitioner in case he is innocent. But he must cooperate with the inquiry and if he is not guilty, we see no reason why he should be scared of an inquiry. He has only been summoned for questioning by the Vigilance Department and at this stage, he can satisfy the Vigilance Department that there is no case made out for any further inquiry. But we have no doubt in our mind that this is not a stage where we can quash the inquiry itself. It is for the employer or the police to decide whether the matter needs to be enquired into or not and merely because the inquiry is being started on an anonymous complaint is no ground to quash the inquiry.

In view of the discussion made above, we find no merit in this writ appeal which is accordingly dismissed.

JUDGE

CHIEF JUSTICE

Sujay/Moumita