HIGH COURT OF TRIPURA
AGARTALA

WP (C) No. 574 of 2019

Sri Tapan Biswas,
son of late Bishnu Charan Biswas,
Vill. Maharanipur, Daspara,
P.O. Chakmaghat, District- Khowai,
PIN-799205

…….Petitioner(s)

Vs

1. The State of Tripura,
represented by Principal Secretary (RD),
Panchayat Department, Govt. of Tripura,
having his office at New Secretariat Building,
Capital Complex, P.O. Kunjaban,
P.S. New Capital Complex, Agartala,
West Tripura

2. The Principal Secretary (RD),
Panchayat Department, Govt. of Tripura,
having his office at New Secretariat Building,
Capital Complex Agartala, West Tripura

3. The Secretary, Public Works Department,
Government of Tripura,
having his office at New Secretariat Building,
Capital Complex, P.O. Kunjaban,
P.S. New Capital Complex, Agartala, West Tripura

4. The District Magistrate & Collector,
District- Khowai, Tripura

5. The Block Development Officer,
Teliamura R.D. Block, District- Khowai

6. The Chief Engineer,
PWD(DWS) Department,
Tripura, Agartala,
District-West Tripura

7. The Executive Engineer,
DWS Division, Kalyanpur,
District-Khowai

8. The Assistant Engineer,
DWS Sub Division, Teliamura,
District- Khowai

9. Smt. Jayasree Koloi,
Junior Engineer,
DWS Sub-Division, Teliamura,
District- Khowai

10. Teliamura Panchayat Samiti
represented by the Executive Officer,
having his office at Teliamura Panchayat Samiti,
Teliamura, Khowai-799205

11. The Chairman
Teliamura Panchayat Samiti,
Teliamura RD Block,
District-Khowai-799205

12. The Panchayat Secretary,
Laxmipur Gram Panchayat,
Teliamura R.D Block,
District-Khowai-799205,

13. Sri Pritam Chakraborty,
son of Sri Pramath Chakraborty,
Vill- Maharanipur, P.O. Chakmaghat,
Teliamura, District-Khowai,
PIN-799205

……..Respondent(s)

For Petitioner (s)	:	Mr. B Debnath, Advocate
For Respondent(s)	:	Mr. DC Saha, Advocate

Whether fit for reporting : **NO**

HON'BLE THE JUSTICE MR. S. TALAPATRA

Judgment & Order (Oral)

14/01/2020

Heard Mr. B Debnath, learned counsel appearing for the petitioner as well as Mr. DC Saha, learned counsel appearing for the respondents No.1-8. Despite notice from this court, none appears for the respondents No.9-13.

2. By means of this writ petition, the petitioner has urged this court to set aside and quash the decision contained in the

communication dated 16.01.2019 [Annexure D to the writ petition].

3. It emerges that in terms of the resolution dated 24.12.2018 the Panchayat Pump Operator namely Sri Tapan Biswas, the petitioner herein, has been disengaged w.e.f. 01.01.2019. In his place, one Pritam Chakraborty, the respondent No.13 has been engaged.

4. Mr. Debnath, learned counsel appearing for the petitioner has made reference to the purported resolution adopted on 24.12.2018, which is according to this Court, by no means a resolution, but a communication made to the Sub Divisional Officer (DWS), Teliamura. For purpose of reference, the text of the said communication is extracted hereunder:

> "To,
> The S.D.O.(D.W.S)
> Teliamura, Khowai Tripura District.
>
> Sub: Recruitment for the post of Pump operator under the Laxmipur G/S water supply office.
>
> Sir,
> With due respect and humble to state that I beg to inform you that you would be kindly recruit as a pump operator Sri Pritam Chakraborty of Vill-Maharanipur, P.O. Chakmaghat. His father name is Sri Pramath Chakraborty. That recruitment in place of Sri Tapan Biswas, S/o. Lt. Bishnu Biswas, present pump operator.
>
> So, I therefore pray to hope that you would be kindly consider the case and oblige thereby.
>
> Yours faithfully
>
> Sd/- Illegible
> Dulan Acharya(Biswas)
> 24.12.2018
>
> Pradhan
> Laxmipur Gram Panchayat
> Teliamura R.D. Block
> Khowai, Tripura."

5. In the guidelines for Maintenance and Operation of the Rural Water Supply Scheme to the Panchayatraj and Autonomous

Council, as available in the memorandum dated 10.05.2000 (Annexure F to the writ petition), it has been provided that the water supply schemes will be handed over to the Panchayat/BAC/ADC of the respective area *"to assist the Panchanyat/BAC/ADC by the following committee, may be formed by the Panchayat/BAC/ADC for smooth operation and maintenance of the system."*

6. Thereafter, in the same guidelines, it has been provided how to form the various committees. It has been also provided in para 6.6 that one PWD(PHE) Junior Engineer in each block will supervise and assist the operation and maintenance of the scheme as and when required after handing over.

7. Further, it appears from para 11 of the reply filed by the respondent No.1-8 as under:

> *"That, with regards to the averment made in Para 4, the state respondents No. 1-8 submit that, the petitioner has joined the post of the Pump Operator on 01.04.2006, in pursuance of appointment letter No.F.6(4-C0/BDO/TLM/PANCH/2007/13905-16, dated 28.03.2008. The Panchayet Authority of Laxmipur GP has change(sic) the pump operator i.e. petitioner as per their resolutions as dated 24.12.2018 and the matter was verbally informed to the concern Junior Engineer lately for which declined to sign the log book of the petitioner after 07.01.2019."*

8. It transpires from the said extract that the Junior Engineer even declined to send the logbook after 07.01.2019 but why she had declined has not been made clear in the reply filed by the state respondents.

9. Having gone through the purported resolution (Annexure R1 to the reply) this court does not have any doubt that the disengagement has been carried out arbitrarily without

providing any opportunity to the engaged pump operator i.e. the petitioner and from the scrutiny of the entire record as produced with the writ petition and the reply, this court has failed to find out any 'blame' against the petitioner.

10. Arbitrariness is anathema to Article 14 of the constitution. When one has been engaged and presumably working, then there cannot be any reason to disengage him so unceremoniously. In the purported resolution not even a single word has been invested to provide reason why this disengagement is required, not even mentioned whether the condition of engagement demands such disengagement.

11. Having observed thus, this court is persuaded to set aside the purported resolution which is in the communication dated 24.12.2018 (Annexure R2 to the reply) and the consequential communication dated 16.01.2019 (Annexure D to the writ petition). Further, the respondents No.1-8, 10 & 11 are directed to reengage the petitioner invariably within a month from the date when the petitioner shall furnish a copy of this order.

However, in the circumstances of the case, this court is not inclined to give the backwages.

In terms of the above, this writ petition is allowed and disposed of.

JUDGE

satabdi