HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.656/2020

Sri Nityananda Sarkar

…….. *Petitioner(s).*

Vs.

The State of Tripura and Ors.

…….. *Respondent(s).*

For Petitioner(s) : Mr. S Lodh, Advocate.
For Respondent(s) : Mr. Debalaya Bhattacharjee, G.A.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

_O_R_D_E_ R_

17/12/2020

The petitioner is Inspector of Police in the Tripura Police Service. He was visited with the charge sheet dated 11th July, 2012 in which various charges were levelled against him. The charges included of illegal detention and deliberate mishandling of a case involving allegations of rape and conniving with the family members of the accused. Upon completion of the inquiry, all except one charges were found to have been proved. What was not proved was the connivance with the family members. The rest of the charges were proved. The disciplinary authority imposed the punishment of withholding of three increments without future effect. The petitioner preferred appeal against such order.

The appellate authority in a detailed speaking order dated 30th July, 2016 dismissed the appeal and enhanced the punishment to withholding of the 3 increments with cumulative effect. The appellate authority was of the opinion that imposition of punishment of 3 increments without future effect was inadequate. After passing of the said appellate order the petitioner on 18th November, 2017 wrote to the Director General of Police *(the appellate authority)* and sought review of the appellate order. After that the petitioner took no steps till filing of the present petition.

In my opinion, the petition suffers from gross delay and laches and inaction on part of the petitioner for long period of time. It is well-settled that while exercising writ jurisdiction under Articles 226 and 227 of the Constitution, the High Court is not bound by the limitation provisions, nevertheless in exercise of such discretionary powers delay and laches would always be relevant considerations. In the present case, the petitioner has approached the High Court more than 4 years after the appellate authority passed the impugned order. His prayer for review was also more than a year after the appellate authority had disposed of the appeal. Even if the appellate authority had the powers to review its order the review itself was much belated. Even then, the petitioner waited for more than 3 more years after filing of the review petition before approaching the High Court. At all stages thus the petitioner has been

lethargic and tardy in pursuing his remedies. The petitioner is not an under-privileged person or a lowly paid employee nor claims to be uneducated or unaware of his rights and obligations. Petitioner is a Police Inspector in the State service.

In the result, petition is dismissed only on the ground of delay and laches. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI, CJ)

HIGH COURT OF TRIPURA



Sukehendu