HIGH COURT OF TRIPURA
AGARTALA
WP(C) 20/2024

Sri Swapan Malakar ----Petitioner(s)

Versus

The State of Tripura & anr. ----Respondent(s)

For Petitioner(s)	:	Mr. TD Majumder, Sr. Advocate Mr. T. Halam, Advocate
For Respondent(s)	:	Mr. KN Bhattacharyya, GA Ms. R. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

27/02/2024

Heard Mr. TD Majumder, learned senior counsel assisted by Mr. T. Halam, learned counsel for the petitioner. Also heard Mr. KN Bhattacharyya, learned GA appearing for the respondents-State.

Short fact of the case, is that, the petitioner was suspended on 17.11.2023 by the Disciplinary Authority. Thereafter, he approached this court challenging the impugned suspension order. The court by its order dated 18.12.2023 had quashed the said suspension order. Thereafter, the respondents vide order dated 30.12.2023 had revoked the order of suspension issued against the petitioner. The petitioner was reinstated in service and he had been transferred from his place of posting to the office of the SDM, Jirania.

Mr. Majumder, learned senior counsel appearing for the petitioner has submitted that the office of the SDM, Jirania is not utilizing the service of the petitioner in view of the order passed by the DM & Collector, West Tripura, as regards the non-allocation of any works to the petitioner.

The grievance of the petitioner is that if he is not allocated with any work than why has been transferred to such a place. So, the transfer order may be quashed. It is the further grievance of the petitioner that he had not been paid any pay and allowances for the period he was under suspension.

I have considered the above submissions advanced by learned counsel appearing for the petitioner.

In the background of the aforesaid facts, I am of the opinion that the allocation of works is entirely within the domain of the employer. The court cannot pass any such direction to allocate certain works in favour of an employee.

As such, this submission having found no merit is repelled.

Next submission is that the petitioner has not been paid any pay and allowances for the period he was under suspension.

In view of that, I direct the respondents to consider the pay and allowances which the petitioner is entitled to for the period he was under suspension in accordance with law.

At this juncture, Mr. Bhattacharyya, learned GA has submitted that subsistence allowance has been paid to the petitioner during his suspension period.

However, without entering into the dispute further, I direct the respondents to look into the matter and consider the pay and allowances of the petitioner in accordance with law.

With the aforesaid directions, the instant writ petition stands disposed.

JUDGE

Saikat

SAIKAT KAR

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