

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.620/2018

Sri Mangal Debbarma, Ex Constable No.C.2268, S/O. Late Sambhu Debbarma, Resident of Gagan Sardar Para, P.O. Ajendra Bazar, P.S. Ranir Bazar, Dist.-West Tripura.

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Chief Secretary, Govt. of Tripura, New Secretariat Complex, P.O.-Secretariat-799010, Agartala, West Tripura.

2. The Chief Secretary, Govt. of Tripura, New Secretariat Complex, P.O.-Secretariat-799010, Agartala, West Tripura.

3. The DGP of West Agartala, Police Head Qtr., Fire brigade Chowmohani, West Tripura, 799001.

4. The Superintendent of Police Head Qtr., Fire brigade Chowmohani, West Tripura, 799001.

----Respondent(s)

For Petitioner(s) : Mr. N. Majumder, Advocate,
Mr. B. Debbarma, Advocate,
Mr. S. Debbarma, Advocate.

For Respondent(s) : Mr. N. Choudhury, G.A.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

29/06/2018

The case of the present writ petitioner is that he was serving as a constable and after initiation of the disciplinary enquiry against him under the CCS (CCA) Rules, 1965, the charge was proved by the Inquiry Officer, copy of which was served upon him along with the proposed punishment vide notice dt. 13.6.2013 (Annexure-5) and taking note of his reply to the proposed punishment, the disciplinary authority passed the final order of punishment dismissing him from service vide order dt. 02.8.2013 (Annexure-7) and the period of absence was treated as Dies-Non.

2. The order passed by the disciplinary authority inflicting penalty to the petitioner delinquent dt. 02.8.2013 is indeed appealable but has been challenged without availing the remedy of appeal provided u/R. 23 of the CCS(CCA) Rules, 1965 by filing of the instant writ petition u/Art.226 of the Constitution on 28.6.2018, almost after 5 years of the order impugned passed by the disciplinary authority.

3. Apart from the statement made in para-7 of the writ petition delay has not even been explained by the petitioner and the orders of the disciplinary authority impugned is indeed appealable u/R. 23 of the Rules, 1965 and there is no pleadings in the writ petition as to why the petitioner has not availed the remedy of departmental appeal provided u/R.23 of the Rules, 1965 and under the given circumstances, on availability of an alternative remedy of appeal under the Rules, 1965 it will not be appropriate for this court to exercise its inherent jurisdiction u/Art.226 of the Constitution of India.

4. Consequently, I find no substance in the petition which is accordingly dismissed. No costs.

CHIEF JUSTICE

Certificate:- All corrections made in the judgment/order have been incorporated in the judgment/order.

Pulak