

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) NO.1117 OF 2018

**HON'BLE MR. JUSTICE ARINDAM LODH**

**Present:**

For petitioner(s) : Mr. K. N. Bhattacharjee, Sr. Advocate  
Mr. Kohinoor N Bhattacharjee, Advocate

For respondent(s) : Mr. M. Debbarma, Advocate

**ORDER**

**21/12/2018**

Heard Mr. K.N. Bhattacharjee, learned senior counsel, assisted by Mr. Khohinoor N. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

Mr. Bhattacharjee, learned senior counsel appearing for the petitioner submits that the writ petitioner is serving as Sub-Jailor under Home(Jail) Department under the respondent No.3. He was put on suspension vide Memo. dated 02.07.2018. The period of suspension was extended vide Memo. dated 09.10.2018.

After that, there was no extension of the suspension period and already 90 days have been elapsed over and within the said period of 90 days the State respondents did not review the suspension order within the statutory period which they were supposed to review within the statutory period of 90 days as per Rule 10(6) of the CCS(CC&A) Rules, 1965.

Mr. Bhattacharjee, learned senior counsel submits that the said Rule is mandatory and the same would entitle the writ petitioner to join his duties.

Mr. M. Debbarma, learned Addl. G.A. in consultation with the Law Officer of the Department who is present before the Court has admitted that no review was made even after the expiry of 90 days. Mr. Debbarma further submits that the Department needs the services of the writ petitioner as there is shortage of staff in the Home(Jail) Department at present.

Considering the submission of learned counsel of both the parties, I am of the considered view that keeping the writ petitioner under suspension will not serve any fruitful purpose, rather, it would be beneficial for the respondents if they utilize the services of the petitioner in the interest of the Department.

Viewed thus, the impugned order of suspension dated 09.10.2018 is hereby quashed. However, it is made clear that the respondents have every liberty to proceed with the disciplinary proceeding against the petitioner, if they so desire.

Petition, accordingly, stands disposed of.

**JUDGE**