

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP (C) No. 49 of 2022**

---

For Petitioner(s)	: Mr. CS Sinha, Adv.
For Respondent(s)	: Mr. D Bhattacharjee, Sr. Adv. Ms. S Nag, Adv.

---

**HON'BLE MR. JUSTICE S. TALAPATRA**

**Order**

**31.01.2022**

Heard Mr. CS Sinha, learned counsel appearing for the petitioner as well as Mr. D Bhattacharjee, learned GA assisted by Ms. S Nag, learned counsel appearing for the State respondents, on advance notice.

The grievance, as canvassed in this writ petition, falls within a short compass. The petitioner had lost the confidence on the first inquiry authority and accordingly, the petitioner submitted a representation to the Disciplinary authority (Annexure-5 to the writ petition) seeking the change of the inquiry authority. However, the Disciplinary Authority had turned down the said representation holding that on careful examination, the allegation made by the charged officer, the petitioner herein, is found not justified.

But Mr. CS Sinha, learned counsel appearing for the petitioner, has apprised this court that for reasons unknown to the petitioner the inquiring authority has been changed and a new inquiry authority has been appointed by the Disciplinary Authority.

Having relied on the said statement this court has interacted with Mr. D Bhattacharjee, learned GA as regards the further allegations leveled by the petitioner that the petitioner was not afforded opportunity to cross-examine the witnesses of the Department, in contrast to the provisions of Rule 14 of CCS (CCA) Rules 1965.

Mr. Bhattacharjee, learned GA has categorically stated that if such opportunity was not really afforded, the petitioner may file a representation to the newly appointed inquiry authority, who will independently examine the facts, as stated by the petitioner before this court, and if it is really found that no such opportunity was extended to the petitioner, the new inquiry authority may allow reasonable opportunity to the petitioner for cross-examination of the witnesses of the Department.

This court finds sufficient reasons in the submission of Mr. Bhattacharjee, learned GA. As such, this writ petition stands disposed of with the following direction.

The petitioner shall submit a representation to the newly appointed inquiry authority, raising the grounds and stating the fact that he was not afforded opportunity to cross-examine the witnesses of the Department and he would like to examine the witnesses of the Department.

The newly appointed inquiring authority on having appreciated the records and the submission of the petitioner, shall take appropriate course according to the provisions of Rule 14 of the CCA (CCS) Rules, 1965.

It is made abundantly clear that if such opportunity had been denied to the petitioner, it will be the incumbent duty of the inquiring authority to extend such opportunity for fair inquiry. Thereafter, the inquiry authority shall expeditiously take the inquiry proceeding to its logical end.

It is also observed that the decision shall be taken by the inquiring authority before proceeding with inquiry further.

There shall be no order as to costs.

**JUDGE**