

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C)No.490 of 2021

Sri Sabyasachi Singh

----Petitioner(s)

Versus

The State of Tripura and Anr.

----Respondent(s)

For Petitioner(s) : Mr. C. S. Sinha, Adv.

For Respondent(s) : Mr. K. De, Addl. G.A

HON'BLE MR. JUSTICE S. TALAPATRA

Order

31/01/2022

Heard Mr. C. S. Sinha, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. G.A. appearing for the respondents.

02. The grievance as agitated in this writ petition falls within a short compass. The petitioner has stated that in compliance of Rule 15(2) of the CCS(CCA) Rules, 1965, the inquiry report has not been supplied to him. On the contrary, the finding of the inquiry authority has been discarded, and by the order dated 06.07.2021 [Annexure-2 to this petition] the disciplinary authority has observed that the finding of the inquiry authority as reflected in the report dated 31.03.2021 is not acceptable. Reasons' have been provided in the said order but without giving any opportunity of representation against

those finding, a fresh inquiry under Rule 14(1) of the CCS(CCA) Rules, 1965 has been directed.

03. In pursuance to the said order dated 06.07.2021, on the same date, by a separate order dated 06.07.2021 [Annexure-2 to the writ petition] a fresh inquiring authority has been appointed for inquiry into the charges as framed against the petitioner vide the memorandum dated 07.02.2019 [Annexure-1 to this writ petition].

04. Mr. C. S. Sinha, learned counsel appearing for the petitioner has quite emphatically submitted that the said actions were in gross violation of the provisions of Rule 15(2) of the CCS(CCA) Rules, 1965 which categorically provides that the disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charge, to the government servant who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the government servant.

05. Mr. K. De, learned Addl. G.A. appearing for the respondents has fairly submitted that the provisions of Rule 15(2) of CCS(CCA) Rules have not been complied with by the disciplinary authority. Mr. De, learned Addl. G.A. however has drawn attention of this court to para-10 of the reply filed by the respondents which reads as under:

"That, with regard to paragraph 7 of the Writ Petition, I say that, the petitioner was served with the disagreement order No.F.11(5)-GA(AR)/2019/1566-69 dated 06/07/2021 of the Disciplinary Authority. Copy of the inquiry report was not served to the Petitioner as no action was taken on the basis of the inquiry report."

06. It is apparent from the order dated 06.07.2021 that without giving any opportunity of filing the representation against the tentative reasons of disagreement of the disciplinary authority in terms of Rule 15(2) of the CCS(CCA) Rules, 1965, it has been admitted that a new inquiring authority has been appointed. Even the petitioner was not served with the copy of the inquiry.

07. Having situated thus, the orders dated 06.07.2021 (both) are set aside. The respondents, particularly, the disciplinary authority is directed to supply the copy of the inquiry report to the petitioner with the reasons of disagreement as reflected in the order dated 06.07.2021, again asking the petitioner to file his representation within 15(fifteen) days from the date of issue of such memorandum. After filing of such

representation, the disciplinary authority shall pass the appropriate order having duly considered all the materials and grounds attached and/or raised in the representation.

It is needless to say that if the petitioner is aggrieved by any action of the respondents, he will be at liberty to approach this court afresh.

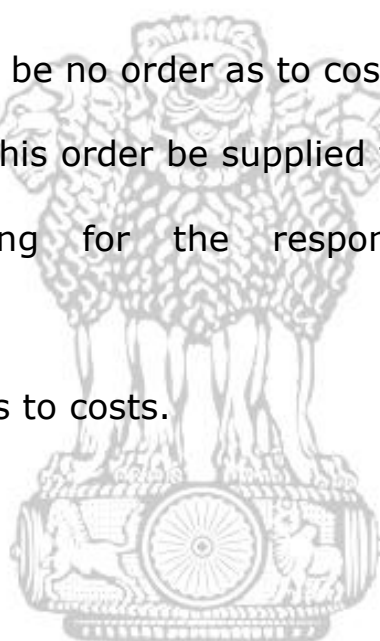
08. In terms of the above, this writ petition stands allowed.

There shall be no order as to costs.

A copy of this order be supplied to Mr. K. De, learned Addl. G.A. appearing for the respondents for onward transmission.

No order as to costs.

JUDGE



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