

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.822 OF 2021**

Sri Ashis Kanti Saha

Vs.

The Tripura Khadi and Village Industries Board and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

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

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.
Mr. A.K. Pal, Advocate.

30.06.2022

Order

The case of the petitioner herein is that a disciplinary proceeding has been initiated against the petitioner on the charge of misconduct. After the inquiry officer submitted his inquiry report, the disciplinary authority insisted him verbally to make a representation admitting the offence and to deposit Rs.5,65,010.00(50% of the alleged Rs.11,30,018.00) in the account of TKVIB, and thereafter only he would make necessary order acquitting him from the alleged charge. The petitioner as per the advice made representation and deposited the said amount on 27.04.2016. Instead of acquitting him of alleged charges, he has been inflicted with the punishment of withholding 3(three) increments without cumulative effect. The petitioner approached this Court by filing WP(C) No.349/2019. As per the direction of this Court vide order dated 06.02.2020, the petitioner herein

approached the appellate authority. But the appellate authority upheld the punishment order of the disciplinary authority. The petitioner herein again preferred WP(C) No.441 of 2020 before this Court. In the said round of litigation, this Court reversed the punishment order and asked the respondent authority to pass a fresh order of punishment. Thereafter the disciplinary authority by memorandum dated 21.08.2021 imposed the punishment of reduction of a lower stage in the time scale of pay for a period of 3(three) years and withholding 3(three) increments without cumulative effect from 2016.

Aggrieved thereby the petitioner preferred the instant writ petition seekin the following reliefs:-

- "a. Admit this petition.*
- b. Call for the records.*
- c. Issue writ in the nature of certiorari calling upon the respondents to show cause as to why the Memorandum No. TKB/GEN/Legal/2(49)/2020/1716-21 dated 21.08.2021 should not be declared bad in law and quashed.*
- d. Pass an interim order staying operation of Memorandum No. TKB/GEN/Legal/2(49)/2020/1716-21 dated 21.08.2021 pending disposal of writ petition.*
- g. Pass any other relief(s) which your lordship may deem fit and proper in this case."*

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner as well as Mr. A.K. Pal, learned counsel appearing for respondent No.1 & 2 and Mr. D. Sharma, learned Addl. G.A. appearing for respondent No.3.

After hearing both the parties and perusing the evidence on record, this Court is of the opinion that the Memorandum dated

21.08.2021 is not reasoned and the same is the outcome of non-application of mind. As such, this instant writ petition is allowed and the impugned Memorandum dated 21.08.2021 is set aside. The matter is remanded back to the respondents for fresh consideration and to pass a reasoned order within a period of 2(two) months from the date of receipt of the copy of the order.

With the above observation, this instant writ petition stands disposed of.

Pending application(s), if any, stands disposed of.

suhanjit

JUDGE



सत्यमेव जयते