

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.198 OF 2025

Sri Prasad Biswas

Vs.

The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

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

For the Respondent(s) : Mr. P. Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharjya, G.A.
Mr. M. Debbarma Addl. G.A.
Ms. R. Chakraborty, Advocate.

29.05.2025

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"It is, therefore, humbly prayed that Your Lordships would graciously be pleased to issue Rule upon the Respondents to show cause as to why the Respondents should not transmit all records relating to the case of the Petitioner.

AND

As to why a writ in the nature of Certiorari should not be issued Quashing/ Setting aside the Order vide No.F.15(35)/CE/RD/Court Case/21-22/1497 dated 10.12.2024 whereby the Disciplinary Authority imposed punishment upon the petitioner.

AND

As to why a writ in the nature of Certiorari should not be issued Quashing/ Setting aside No.F.15(35)/CE /RD/Court the Order vide Case/21-22/1418 dated 07.01.2023 issued by Disciplinary Authority i.e. the Secretary to the Government of Tripura, Rural Development Department, Government of Tripura.

AND

As to why a writ in the nature of Certiorari should not be issued Quashing/ Setting aside the letter vide No.F.6(1094)-SM/TPSC/2022 dated 22.12.2022 issued by the respondent No.8 whereby concurrence was given to the proposed penalty by the Disciplinary Authority in respect of the petitioner.

AND

In the interim be pleased to stay effect and operation of the impugned Order vide No.F.15(35)/CE/RD/Court Case/21-22/1497 dated 10.12.2024 whereby the Disciplinary Authority has imposed punishment upon the petitioner.

AND

As to why such other order/orders should not be passed so as to give full relief to the Petitioner and, upon causes shown, to make the Rule absolute."

2. Heard Mr. S. Lodh, learned counsel appearing for the petitioner, as well as Mr. P. Gautam, learned Senior Government Advocate, Mr. Kohinoor No. Bhattacharya, learned Government Advocate, Mr. M. Debbarma, learned Additional Government Advocate, and Ms. R. Chakraborty, learned counsel appearing for the respondents.

3. Mr. Lodh, learned counsel appearing for the petitioner, submits that despite repeated rounds of litigation and representations, the respondents have neither passed a speaking order nor properly addressed the petitioner's grievance in light of the facts and records.

4. On the other hand, Mr. M. Debbarma, learned Additional Government Advocate appearing for the State-respondents, submits that the respondents have properly adjudicated the petitioner's case, which has been responded to by the impugned order dated 10.12.2024.

5. Heard and perused the evidence on record.

6. The present writ petition has been filed, being aggrieved by the order dated 10.12.2024 passed by the respondents. It is evident from the records that the petitioner, while seeking reliefs, has approached this Court through multiple rounds of litigation, i.e., WP(C) No. 994 of 2017, WP(C) No. 1020 of 2022, and WP(C) No. 249 of 2024.

7. By order dated 24.11.2024 passed in WP(C) No.249 of 2024, the matter was remanded to the respondents to reconsider the case of the petitioner and to pass an appropriate order. Pursuant to that, the petitioner once again approached the respondents and submitted representation. However, the respondents, through the impugned order while narrating the events, have altogether rejected the petitioner's case, stating as follows:-

"Whereas the representation submitted by the AO Shri Prasad Biswas is examined by the Department and found not satisfactory."

8. When the case was called, no satisfactory explanation was submitted by the learned Additional Government Advocate to justify the impugned order or to clarify whether it was a reasoned order passed with due diligence.

9. This Court summoned the concerned officer to provide an explanation. Dr. Sandeep R. Rathod, Secretary, Government of Tripura, appeared before this Court but was unable to justify the impugned order. Since no reasons were provided in

support of the impugned proceedings, this Court finds it appropriate to remand the matter back. Accordingly, the impugned order is set aside. The writ petition is disposed of with a direction to the respondents to reconsider the petitioner's case in its entirety and to pass a reasoned and speaking order based on the records. The said order shall be communicated to the petitioner. This exercise shall be completed within a period of 2(two) months from the date of receipt of a copy of this order. The personal appearance of the concerned respondent is dispensed with.

10. With the above observations and directions, the present writ petition stands disposed of. As a consequence, any interim order, if granted, stands vacated. Pending application(s), if any, also stand(s) closed.

JUDGE