**HIGH COURT OF TRIPURA**
**AGARTALA**

**WP(C) No.590 of 2024**

**Sri Surajit Dasgupta,**
S/o Late Sandip Dasgupta, resident of 151 (A) of Arundhutinaga Road No.8, Badharghat, P.O. & P.S. A.D. Nagar, District West Tripura, Pin-799003.

.....Petitioner(s)

V E R S U S

1. **The State of Tripura,**
   To be represented by the Secretary, Department of Law, Government of Tripura, New Secretariat Complex, Kunjaban, P.S. N.C.C., District West Tripura, Pin 799006.

2. **The Registrar General,**
   Hon'ble High Court of Tripura, Lichu Bagan, P.S. N.C.C., Agartala, District West Tripura.

3. **The Registrar Vigilance,**
   Hon'ble High Court of Tripura, Lichu Bagan, P.S. N.C.C., Agartala, District West Tripura.

4. **The District & Sessions Judge, (Disciplinary Authority),**
   Gomati Judicial District, Udaipur.

5. **The Ld. Chief Judicial Magistrate-Cum-Civil Judge, Senior Division, (Inquiry Authority),**
   Gomati Tripura District, Udaipur.

.....Respondent(s)

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| For Petitioner(s) | : | Mr. Anjan Kanti Pal, Advocate.<br>Mr. T.K. Bhattacharya, Advocate.<br>Ms. Ankita Sinha, Advocate. |
| For Respondent(s) | : | Mr. K.N. Bhattacharyya, G.A.<br>Mr. Sankar Lodh, Advocate.<br>Mrs. Pinki Chakraborty, Advocate. |
| Date of hearing | : | ***10th July, 2026.*** |
| Date of delivery of Judgment | : | ***30th July, 2026.*** |
| Whether fit for reporting | : | YES: √ / NO: |

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO**
**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**JUDGMENT & ORDER**

The order of District & Sessions Judge, Gomati, Udaipur dated 15.09.2023 (Annexure 10) imposing a punishment upon the petitioner who was posted as LDC in the Court of Sub-Divisional Judicial Magistrate-Cum-Civil Judge (Jr. Div.), Amarpur, Gomati, of compulsory retirement based on an inquiry report dated 05.01.2023, are under challenge in this writ petition.

**[2]** Against the said order of compulsory retirement, the petitioner preferred an appeal before the Appellate Authority and the Appellate Authority also dismissed the appeal. Said order has also been challenged in this proceeding.

**[3]** By office memorandum dated 22.12.2021 (Annexure 1), the District & Sessions Judge, Gomati proposed to hold an inquiry against the petitioner on the charge that on 08.11.2021, he was found lying in unconscious and drunken condition in front of the Court building at Amarpur during Court hours and on earlier occasions also he committed such defaults for which Court/Office works were seriously hampered, which according to the Disciplinary Authority was misconduct and unbecoming on the part of a Government employee.

**[4]** During inquiry, from the side of prosecution, three witnesses namely, Sri Biswajit Datta (Head Clerk), Smt. Susmita Das [the then Civil Judge (Jr. Div.)-Cum-Judicial Magistrate 1st Class, Amarpur] and Shri Pallab Paul (Nazir of the said establishment) were examined and the petitioner also

examined himself as defence witness. Finally, the Inquiry Officer, Shri R. Chakraborty, Judicial Magistrate First Class, Udaipur submitted his report holding that the prosecution had succeeded to bring home the charge against the petitioner and he was found guilty accordingly. The Inquiry Officer evaluated the evidence on the basis of principle of preponderance of probability. The Disciplinary Authority after observing other legal formalities finally imposed the above said punishment of compulsory retirement.

**[5]** Mr. Anjan Kanti Pal, learned counsel for the petitioner submits that 08.11.2021 was the day of reopening of regular Court works after puja vacation and on that day, the petitioner reached Amarpur from Agartala but due to his illness suddenly he lost his consciousness and fell down in front of a tea stall near the Court as he was suffering from certain neurological issues. Therefore, neither he had any fault in this regard nor he committed any misconduct.

**[6]** Mr. Pal, learned counsel also submits that the Disciplinary Authority lodged a complaint in the Birganj police station under Section 90 of the Tripura Police Act alleging that on 02.12.2020 at about 1730 hours, the petitioner was found in intoxicated and riotous condition in front of the Court complex and based on the said allegations, a case was ultimately registered, investigated and tried in which he was acquitted by the Court. Therefore, it was clear that the petitioner was not in drunken condition at the relevant point of time. Learned counsel further argues that the punishment imposed upon the petitioner was too harsh and before imposing such punishment, the entire service record of the petitioner ought to have been taken into consideration.

**[7]** In this regard, he relies on a decision of Hon'ble Supreme Court in case of ***Swaran Singh Chand vs. Punjab State Electricity Board and others (Civil Appeal No.3298 of 2009 decided on 06.05.2009)*** wherein at paragraph No.3, the necessary guidelines issued through a circular dated 14.08.1981 was extracted. For relevance of appreciation, said paragraph No.3 is extracted hereunder:

> *"(i) Although the entire service record of an employee has to be considered, premature retirement should not be ordered if during the last 5 years the work and conduct of the employee has been good or better than that.*
>
> *(ii) Ordinarily, no retirement should be ordered within a period of one year preceding the date of superannuation of the Government employee.*
>
> *(iii) If an adverse entry relating to integrity exists in the confidential reports during the 10 years preceding the review, or if after its recording there has been no change in the class, status or the post of the officer, that single entry should be considered sufficient for ordering premature retirement.*
>
> *(iv) If the adverse report on integrity relates to the distant past or is more than 10 years old, the subsequent record of the employee should be scrutinized carefully. If the subsequent reports vouch-safe the integrity of the employee in unambiguous terms, the inference is that he has improved his conduct and it should not be necessary to order his premature retirement. A similar view can be taken if an employee has been promoted after the recording of the adverse remarks."*

**[8]** Mr. Pal, learned counsel also further relies on another decision of Hon'ble Supreme Court in case of ***State of Gujarat vs. Umedbhai M. Patel, (2001) 3 SCC 314*** wherein it is observed that the High Court or the Apex Court would not examine the matter as an appellate court, they may interfere if they are satisfied that the order is passed (a) mala fide or (b) that it is based on no evidence or (c) that it is arbitrary - in the sense that no reasonable person would form the requisite opinion on the given material. It is also further noted therein that an order of compulsory retirement is not a punishment and it implies no

stigma or any suggestion of misbehavior and the order has to be passed by the Government on forming the opinion that it is in the public interest to retire a government servant, compulsorily. The order is passed on the subjective satisfaction of the Government. The Government (or the Review Committee, as the case may be) shall have to consider the entire record of service before taking a decision in the matter-of course attaching more importance to record of and performance during the later years.

**[9]** Mr. Sankar Lodh, learned counsel representing respondent Nos.2 to 4 tries to refute the contentions of the petitioner, submitting that the petitioner was violating the code of conduct very often by consuming alcohol, causing disturbance in the Court function and also by remaining absent unauthorizedly without prior permission. Mr. Lodh, learned counsel also refers to series of correspondences of different Judicial Officers dated 04.12.2020, 13.02.2020, 06.03.2023, 07.01.2019 and 02.08.2023 etc. under Annexures F, H, I, J and K series, whereby they reported to the District Judge about his drunken condition during office hours, kicking of water filter in such condition, damaging of photocopier machine, his unauthorized absence during office hours, issuing of show cause notices to him etc. Learned counsel also contends that due opportunity was provided to the petitioner to take proper defence in the inquiry proceeding and after evaluating the evidences adduced in the said inquiry, the Inquiry Authority rightly held that charge was duly proved against the present petitioner. It is also submitted by him that there was no procedural illegality committed by the Disciplinary Authority in the whole proceeding and therefore no interference is called for in this writ petition.

**[10]** We have given due consideration to the submissions of both sides and have gone through the relevant materials placed in the record.

**[11]** As indicated above, the scope of interference in the matter of decision of Disciplinary Authority or the Appellate Authority is quite narrow. It is settled position of law that while exercising the review jurisdiction the High Court does not examine the matter as an Appellate Authority and generally such decision of Disciplinary Authority is not interfered unless the order of punishment is vitiated by mala fides or arbitrariness or is based on no evidence.

**[12]** There is no allegation of bias or mala fides put forward by the petitioner against the Disciplinary Authority. Though reference has been made to a decision of Judicial Magistrate First Class, Gomati acquitting the present petitioner in CR(TP) No.183 of 2021 on 26.08.2022 from the charge under Section 90 of the Tripura Police Act, but, said case was relating to a different incident of the date 02.12.2020 with similar allegation that he was found in an intoxicated and riotous condition in front of the Court complex of Amarpur. The present charge is relating to an incident of the date 08.11.2021. Therefore, acquittal of the petitioner in said criminal proceeding has no relevance in this matter. Three witnesses have categorically stated against the petitioner in the Departmental proceeding, one of whom is a Judicial Officer. After evaluating their statements, on the basis of preponderance of probability, the Inquiry Authority has held him guilty of the charge. No procedural illegality committed by the Disciplinary Authority could also be pointed out before us by the petitioner to upset such decision of Disciplinary Authority.

**[13]** The above noted decisions of the Supreme Court as relied on by the petitioner relate to premature retirement of Government employee on attaining certain age and on evaluation of their performance. Therefore, reliance on said decisions is also misplaced.

**[14]** The Appellate Authority consisting of three learned Judges of this High Court have thoroughly scrutinized the matter and after an exhaustive examination and detailed discussion, have rejected the appeal.

**[15]** The trust of common men rests on the competence, integrity and conduct of not only the Judicial Officers but also of employees bestowed with the responsibility of administering the justice. It is a team work and all are required to function with absolute fairness, honesty, dignity and integrity. Conduct of judicial employees also leaves an impact on public trust. Therefore, this type of misconduct of the petitioner cannot be viewed with overabundance of leniency.

**[16]** Situated thus, we find no reason to interfere with the decision of Disciplinary Authority as well as of the Appellate Authority. Consequently, the writ petition is dismissed being devoid of merit.

Pending application(s), if any, shall stand disposed of.

**(S.DATTA PURKAYASTHA), J** **(M.S. RAMACHANDRA RAO), CJ**

*Rudradeep* RUDRADEEP BANERJEE Digitally signed by RUDRADEEP BANERJEE Date: 2026.07.30 15:12:40 +05'30'