

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.59 of 2025

1. The State of Tripura represented by the Principal Secretary, General Administration (AR) Department, Government of Tripura, New Capital Complex, P.O.- Kunjaban, P.S- New Capital Complex, Agartala, District- West Tripura
2. The Secretary, General Administration (AR) Department, Govt. of Tripura, New Capital Complex, PO- Kunjban, P.S- New Capital Complex, Agartala, District- West Tripura
3. The Secretary, General Administration (P & T) Department, Government of Tripura, New Capital Complex, P.O- New Secretariat, P.S- New Capital Complex, Agartala, District- West Tripura
4. The Chief Secretary, Government of Tripura, New Capital Complex, PO- Kunjaban, PS- New Capital Complex, Agartala, District-West Tripura (Appellate Authority)
5. District Magistrate and Collector, West Tripura, Agartala
6. Sub Divisional Magistrate, Sadar, Distict- West Tripura,
7. Commissioner of Departmental Enquiries, Secretariat Annexe, Pandit Nehru Complex, PO- Kunjaban, Agartala, West Tripura

.....Appellant(s);

Versus

1. Shri Pintu Das, Son of late Jagabandhu Das, resident of Gandhighat, PS- West Agartala, PO and Sub Division- Agartala
2. Tripura Public Service Commission, represented by its Secretary, AK Road, near Fire Service Chowmuhani, PS- West Agartala, Dist- West Tripura
3. The Secretary, Tripura Public Service Commission, AK Road, near Fire Service Chowmuhani, PS- West Agartala, Dist- West Tripura
4. Sri A.K. Bhattacharya, Special Secretary, Government of Tripura, Secretariat Buildings, New Capital Complex, Kunjaban, Agartala

.....Respondent(s)

For Appellant(s) : Mr. Saktimoy Chakraborti, Advocate General,
Mr. K.N. Bhattacharyya, G.A.,
Mrs. Pinki Chakraborty, Advocate.

For Respondent(s) : Mr. Sankar Lodh, Advocate,
Mr. Kundan Pandey, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

16/04/2026

From the facts narrated by the learned Advocate General, it appears that five Articles of charges were framed on 26.04.2014 against respondent No.1 by the appellants, and disciplinary inquiry was conducted.

The inquiry officer submitted inquiry report dt.09.07.2019 stating that only Charge IV and Charge V were found proved.

On this basis, the Disciplinary authority had imposed punishment on 15.02.2021 on the respondent no.1 of “withholding three increments with cumulative effect”.

When the respondent No.1 approached this Court by filing WP(C) No.835/2021, a learned single Judge of the High Court on 07.01.2023 *set aside the finding of the Disciplinary Authority on Charge No.V and held that the said charge was not proved and thus exonerated him.* However since the Disciplinary Authority had imposed penalty of “withholding three increments with cumulative effect”, the learned single Judge of the High Court modified and reduced it to “withholding of one increment with cumulative effect”.

The appellants herein then preferred WA No.108/2023 to the Division Bench of this Court assailing the judgment of the learned single Judge in WP(C) No.835/2021.

On 02.04.2024, the Division Bench allowed the WA. It *did not interfere with the finding of the learned single Judge that Charge V is not proved.* It however interfered with the single Judge’s judgment *only to the*

extent that the learned Single Judge had reduced the quantum of punishment. The Division Bench remitted the matter to the Disciplinary Authority to pass a fresh order on the quantum of penalty noting that Charge IV alone stood proved.

After remand, when the matter went back to the respondent no.4 (now impleaded), who was then functioning as the Disciplinary Authority, he passed an order dt.18.07.2024, holding that *both Charge -IV & Charge -V were proved*. He went on to impose a major penalty of “withholding three increments with cumulative effect along with additional punishment of recovery of loss amount of Rs.21,600/- from the pay of the first respondent”.

This was challenged in W.P.(C) No.677 of 2024. The said Writ Petition which was again allowed by single Judge on 09.01.2025.

Challenging the said Judgment, this Writ Appeal was filed by the appellants.

We fail to understand how the respondent no.4 could have held, after remand, that Charge -V is proved against the respondent no.1, when the learned Single Judge in his judgment dt.07.01.2023 in WP(C) No.835/2021 had set aside the finding of the Disciplinary Authority holding the respondent No.1 guilty of that charge. To this extent, the single Judge’s order was also confirmed by the Division Bench in WA No.108/2023 on 02.04.2024.

As pointed out above, the Division Bench had not set aside the finding of the learned Single Judge as regards his finding on Charge-V i.e. that the respondent No.1 was not guilty of the said charge. There was no remand to the respondent no.4 (Disciplinary authority) by the Division Bench to reconsider whether Charge V was proved or not.

The respondent No.4, acting as the Disciplinary Authority, therefore could not have, contrary to the judgment of the learned Single Judge in his order dt.07.01.2023 in WP(C) No.835/2021, as affirmed by the order dt.02.04.2024 in WA No.108/2023, held that Charge-V had been established.

Having regard to the aforesaid reasoning, to that extent, the learned Single Judge was correct.

But again the learned Single Judge himself went into the quantum of punishment, which he ought not to have done, having been found fault with in the previous round of litigation i.e. in the Order dt.02.04.2024 in WA No.108/2023, and reduced the quantum of sentence himself.

Therefore, the Order of the learned Single Judge is modified as under:

The fourth respondent/Disciplinary Authority shall pass a fresh order as to the punishment to be imposed on the first respondent on the basis of Charge IV which has been found to be proved in the disciplinary inquiry, after giving an opportunity of hearing to the first respondent on the said aspect, and giving adequate reasons for this conclusion.

He shall also communicate the said order to the first respondent.

This exercise shall be completed within two months from the date of receipt of a copy of this Order.

The Writ Appeal is disposed of as above, and the appellants shall pay costs of Rs.15,000/- to the first respondent within four weeks.

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

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)