



**HIGH COURT OF TRIPURA
AGARTALA**

WA No.12 of 2026

- 1. The State of Tripura represented by the Commissioner & Secretary, General Administration (Personnel & Training) Department, Government of Tripura, having his office at Secretariat Building, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, West Tripura, PIN-799006
- 2. The Commissioner & Secretary, General Administration, Administrative Reforms Department, Government of Tripura, having his office at Secretariat Building, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, District- West Tripura, PIN-799006
- 3. The District Magistrate & Collector, Unakoti, having his office at Kailashahar, P.O. and P.S. Kailashahar, District- Unakoti Tripura
- 4. The District Magistrate & Collector, North Tripura District, having his office at Dharmanagar, P.O. and P.S. Dharmanagar, District- Udaipur

.....Appellant(s);

Versus

Sri Goutam Choudhury, Son of Late Makhan Lal Choudhury, Resident of village- Ashram Chowmuhani, P.O. Dhaleswar, P.S. East Agartala, Agartala, West Tripura, PIN-799007

.....Respondent(s)

For Appellant(s)	: Mr. Dipankar Sarma, Addl. G.A.
For Respondent(s)	: Mr. Somik Deb, Sr. Advocate, Ms. S. Tripura, Advocate, Mr. Jishan Samed, Advocate.

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

Date of hearing and Judgment: **29.09.2026**

Whether Fit for Reporting: **NO**

JUDGMENT & ORDER (ORAL)

(M.S. Ramachandra Rao, CJ)

Heard Mr. Dipankar Sarma, learned Additional Government Advocate for the appellants and Mr. Somik Deb, learned Senior Counsel, for the respondent.



2. This Writ Appeal is filed by the appellants challenging the judgment dt.26.09.2025 in WP(C) No.372/2024 passed by the learned Single Judge.

Background Facts:

3. A show cause notice that was issued to the respondent herein on 15.09.2018 by the then District Magistrate & Collector, Sepahijala District to which the petitioner submitted a reply on 17.10.2020.

4. Thereafter Disciplinary Enquiry was commenced by appointing a Presenting Officer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [“The Rules”, *for short*]

5. Articles of charge were framed and communicated to the respondent to which the respondent submitted his defense.

6. Thereafter the Inquiry Authority submitted a report on 10.05.2021 [Annexure-9] exonerating the respondent of all charges.

7. But on 28.07.2021 the Principal Secretary, General Administration (AR) Department, Government of Tripura (Disciplinary authority) issued an order directing for fresh inquiry against the respondent by appointing another Inquiry Officer to enquire into the charge framed against the respondent.

8. Later on 17.01.2022 the same Principal Secretary issued a further order appointing the Commissioner of Departmental Inquiries as Inquiry Authority to enquire into the charges framed against the respondent. He again changed the Inquiry officer by another order dt.16.3.2023.



9. The order dt.28.07.2021 and the subsequent orders dt.17.01.2022 and dt.16.03.2023 were questioned in WP(C) No.708/2023 by the respondent before this Court.

Order dt.11.12.2023 passed by learned Single Judge in WP(C) No.708/2023:

10. By an order dt.11.12.2023, the learned single Judge allowed the Writ Petition.

11. He noted that the order dt.28.07.2021 issued by the Principal Secretary, General Administration (AR) Department, Government of Tripura appointing another officer to enquire into the charges framed against the petitioner therein cannot be sustained, and that if the Disciplinary Authority disagrees with the findings of the Inquiry Officer, it is mandatory for the Disciplinary Authority to follow Rule 15(2) of the Rules which state as under:

“15. Action on the inquiry report

(1) ...

(2) 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 or 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.”

12. The learned Single Judge therefore set aside the order dt.28.07.2021 and directed the Disciplinary Authority to pass a speaking order within one month from the date of receipt of the High Court order.



13. Neither party has preferred any appeal against the same, and it attained finality.

14. But on 02.03.2024, the appellants issued an order this time invoking Rule 15(1) of the Rules, and directed the Commissioner of Departmental Inquiries to be the Inquiry Authority for further enquiry into the charge framed against the respondent from the stage of inspection of records (as mentioned in Annexure-III thereto).

Order dt.26.09.2025 passed by learned Single Judge in WP(C) No.372/2024:

15. Challenging the same, the respondent filed WP(C) No.372/2024.

16. The learned Single Judge noted that under sub-Rule (1) of Rule 15, it was open to the Disciplinary Authority, if it is not itself the Inquiring Authority, for reasons to be recorded by it in writing, to remit the case to the Inquiring Authority for further inquiry and report, and the Inquiring Authority shall thereupon proceed to hold further inquiry according to the provisions of Rule 14 of the Rules, as far as may be.

17. The learned Single Judge however held that the High Court in its order dt.11.12.2023 in WP(C) No.708 of 2023 had set aside the earlier order dt.28.07.2021 passed by the Disciplinary Authority disagreeing with the findings of the Inquiry Authority, and that he had not followed Rule 15(2), and that this has caused severe prejudice to the respondent.

18. The learned Single Judge therefore held that under sub-Rule (2) of Rule 15, in a case where the Disciplinary Authority was not satisfied with the findings of the Inquiry Authority, it was the duty of the Disciplinary Authority to indicate and give its *prima facie* or tentative reason for



disagreement with the report of the Inquiring Authority, and then communicate the reasons to the respondent giving him a chance to put forth his case and answer the queries of the Disciplinary Authority; that the said Rule 15(2) has not been followed by the Disciplinary Authority; consequently the order dt.02.03.2024 cannot be sustained as it is illegal. He therefore set the order dt.02.03.2024 aside and quashed it.

The instant Writ Appeal and consideration thereof:

19. Challenging the same, this Writ Appeal is filed.

20. Learned Additional Government Advocate appearing for the appellants is unable to explain why when in the previous judgment rendered on 11.12.2023 in WP(C) No.708/2023, this Court set aside the order of the Disciplinary Authority dt.28.07.2021 on the ground of non-compliance with Rule 15(2) of the Rules, how the appellants could have invoked in the impugned order dt.02.03.2024, sub-Rule (1) of Rule 15 of the same Rules?

21. It was not open to the appellants to override the Order dt.11.12.2023 passed by this Court in WP(C) No.708/2023, and devise their own procedure.

22. Therefore, we do not see any merit in the Writ Appeal.

23. The appellants shall continue the Disciplinary Proceedings, and the Disciplinary Authority shall communicate the tentative reasons for disagreement with the inquiry report of the Inquiry Officer to the respondent within 4(four) weeks from today; the respondent is granted 4(four) weeks' time thereafter to raise his objections thereto; and then a final order shall be passed by the Disciplinary Authority strictly in accordance with law, and the copy of the same be communicated to the respondent.



24. The Writ Appeal is disposed of with the above directions. No costs.

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

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