

(2014) 07 TP CK 0030
In the Tripura High Court
Case No : WP(C) No. 338 of 2006

Sudarshan Chakraborty Vs Tripura Road Transport Corporation

Date of Decision : 24-07-2014

Acts Referred:

Citation : (2014) 07 TP CK 0030

Hon'ble Judges : S.C. Das, J

Bench : Single Bench

Advocate : P. Roy Barman, Advocate for the Appellant; P. Dutta, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

S.C. Das, J.—Heard learned counsel, Mr. P. Roy Barman for the petitioner and learned counsel, Mr. P Dutta for the respondents.

2. The petitioner, while was working as UDC under the respondents and was posted in the Accounts Section of the office of the respondents at Agartala, was transferred in the Indian Airlines counter of the corporation by order dated 01.06.2001 (Annexure-B to the writ petition). It was noticed that there was some irregularities in the functioning of the Indian Airlines counter of the corporation and therefore to streamline the functioning, a meeting was held on 05.06.2002 in the chamber of the Managing Director, i.e. the respondent No. 2 and certain decision was taken. The minutes of the meeting is annexed as Annexure-C to the writ petition. Pursuant to the decision of that meeting, standing order No. 1 dated 24.07.2002 (Annexure-D to the writ petition) was issued by the Managing Director. By standing order No. 4 dated 03.09.2002 (Annexure-E to the writ petition) issued by the Managing Director, one Sri Dilip Kanti Saha, In-charge, OS of Accounts was directed to sign the cash book of Indian Airlines counter of the corporation after proper checking of the transaction recorded in the cash book daily. By letter dated 09.09.2004 (Annexure-F to the writ petition) the petitioner prayed for relieving him from the Indian Airlines counter to the main office of the corporation since the works of the Indian Airlines counter, in the meantime, was satisfactorily regularized. Taking into

consideration his representation the Managing Director by order dated 01.07.2005 (Annexure-G to the writ petition) transferred him from Indian Airlines counter to PRS counter of TRTC. All on a sudden, the petitioner was served with the letter dated 29.07.2005 (Annexure-H to the writ petition) asking him to deposit Rs. 3,65,269/- which was alleged to have found short in the account of Indian Airlines counter. The petitioner by submitting his prayer dated 03.08.2005 (Annexure-I to the writ petition) challenged the letter dated 29.07.2005 and thereafter Managing Director issued Memo. dated 25.02.2006 (Annexure-J to the writ petition) directing that an amount of Rs. 365000.69 was not deposited in the bank account of the corporation and therefore the pay of the petitioner from February, 2006 was held up. Another Memo. was issued by the Managing Director, i.e. the respondent No. 2 on the same date, i.e. Annexure-K to the writ petition whereunder the petitioner was directed to cooperate with the audit team headed by Dilip Kanti Saha and the Managing Director directed further detailed audit of the Indian Airlines counter. The petitioner, thereafter, made a representation to Sri Dilip Kanti Saha expressing his intention to cooperate and to act in a certain manner and that representation dated 04.03.2006 is marked as Annexure-L. Thereafter, the petitioner made a detailed representation dated 15.03.2006 (Annexure-M to the writ petition) reflecting the total position of the Indian Airlines counter and requesting to have a detailed audit by the A.G. or by the Directorate of Audits & Accounts. After that representation dated 15.03.2006, the audit team, headed by Dilip Kanti Saha, submitted a report to the Managing Director dated 25.04.2006 (Annexure-N to the writ petition). The petitioner, thereafter, made his representation to the Managing Director on 24.06.2006 (Annexure-O to the writ petition) and it has been alleged that his salary has not been paid. The petitioner, therefore, challenged Memo. dated 29.07.2005 (Annexure-H), Memo. dated 25.02.2006 (Annexure-J) and Memo. dated 25.02.2006 (Annexure-K) and prayed for quashing those Memos. and also prayed for directing the respondents to release his salary and other benefits.

3. The respondents-corporation by filing counter affidavit submitted that a disciplinary proceeding has been initiated against the petitioner in the year 2006 for the alleged irregularities in the accounts of Indian Airlines counter of the corporation and that in the meantime the petitioner as well as the other employees working in the accounts section have retired and the petitioner also has retired on 31.12.2010 and because of retirement of all the concerned staff, the disciplinary proceedings also could not be concluded in the meantime and the respondent-corporation prayed for six months time to conclude the disciplinary proceedings and thereafter the corporation will release all benefits as may be payable to the petitioner.

4. Learned counsel, Mr. Roy Barman has fairly submitted that the petitioner even after retirement did not get his gratuity and as a result he is starving. TRTC is an organization where pension is not payable. So, the petitioner is to survive with his benefits accrued in his favour during his service period.

Learned counsel, Mr. Dutta has also very fairly submitted that the corporation will release the gratuity amount of the petitioner pending disposal of the disciplinary proceedings.

5. Since it is brought on record that a disciplinary proceedings has been initiated against the petitioner, I think it will be appropriate to dispose the present writ petition with a direction to the respondents to conclude the disciplinary proceedings positively within six months from today and thereafter to settle all the claims of the petitioner as per law. In the meantime, the respondents-corporation shall release the gratuity amount of the petitioner within forty five days from today. The petitioner shall cooperate with the authority to conclude the disciplinary proceedings.

Since disciplinary proceedings has already been initiated, the respondents-authority shall not act upon the impugned memos. challenged in this writ petition, regarding recovery of money from the petitioner.

6. A copy of this order be given to learned counsel of both side.

7. The writ petition accordingly stands disposed of.