

**HIGH COURT OF TRIPURA
AGARTALA**

W.P(C) No.302/2020

Sri Krishna Mohan Debbarma, S/o. Late Phanindra Debbarma, 68-A/86-F, Ward No.14 Pragati Road, Krishnanagar, Sub-Division-Sadar, P.O-Agartala, P.S-West Agartala, Pin- 799001.

..... *Petitioner(s)*.

Vs.

1. The State of Tripura, represented by its Secretary to the Department of Finance, Government of Tripura, P.O - New Capital Complex, P.S- New Capital Complex, District-West Tripura, PIN-799006.

2. The Commissioner of Taxes, Government of Tripura, P.N. Complex, Gurkhabasti, P.O-Kunjaban, P.S-New Capital Complex (NCC), Agartala, District- West Tripura, Pin-799006.

3. Tripura Road Transport Corporation, Represented by its Managing Director, Krishnanagar, P.O-Agartala, P.S-West Agartala, District-West Tripura, Pin-799001.

..... *Respondent(s)*.

For Petitioner(s) : Mr. Biplabendu Roy, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. Government Advocate.
Mr. K. Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

ORDER

16/09/2020

Petitioner was engaged in Tripura Road Transport Corporation (TRTC, for short). He was sent on deputation to Government service. When he was sought to be repatriated, he filed W.P(C) No.166/2020 which was disposed of by an order dated 28.02.2020. The Court was of the opinion that his deputation has no vested right of absorption. The absorption would depend on the loaner and loanee

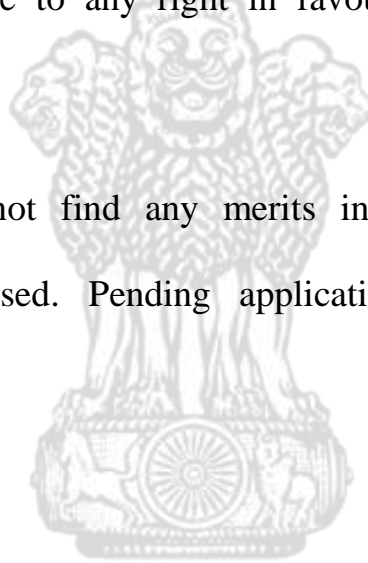
organisations and the policy of the Government. Having said that, the Court noted that the petitioner had made a representation which the authorities had not considered while disposing of the said petition, therefore, it was provided that such representation shall be disposed of. The petitioner was eventually repatriated to his parent department by an order dated 19th May, 2020. This order was challenged by the petitioner by filing the present petition primarily alleging that without disposing of his representation he was ordered to be repatriated.

[2] Having heard learned counsel for the petitioner and the respondents and having perused documents on record, I find that the Deputy Commissioner of Taxes, Government of Tripura did convey to the petitioner under a communication dated 29th May, 2020 that his representation cannot be accepted on the ground that he had no right of absorption in the Government service and presently, the tax department where he was engaged on deputation had no policy for absorbing the deputationist.

[3] I do not find any reason to interfere with the order of repatriation. As noted in the order dated 28.02.2020 while disposing of W.P(C) No.166/2020, as per settled law a deputationist does not have a vested right of absorption. It was therefore, that while disposing of the petition, only scope left open was a consideration of the petitioner's

representation. It is true that the consideration of the representation came after the order of repatriation was passed. However, that would not change the real issues namely the right of the petitioner to insist that he must be absorbed in the borrowing organisation. It would have been desirable if the Government had dealt with the petitioner's representation before passing the order of repatriation. In essence what the Government has done by disposing of the representation after passing the order of repatriation is similar to a post decisional hearing. Such an error by itself would not give rise to any right in favour of the petitioner to seek absorption.

[4] I do not find any merits in the petition, the same is accordingly dismissed. Pending application(s), if any, also stands disposed of.



(AKIL KURESHI),CJ.

Dipankar