

**HIGH COURT OF TRIPURA
AGARTALA**

Cont. Cas (C) No.138 of 2022

For the Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mr. T. Debbarma, Advocate
For the Contemnor(s)	:	Mr. D. Bhattacharya, Sr. Advocate Mr. S. Saha, Advocate Mr. B. Majumder, Dy. SG

HON'BLE MR. JUSTICE ARINDAM LODH
Order

27/01/2023

Heard Mr. Somik Deb, learned senior counsel assisted by Mr. T. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned senior counsel assisted by Mr. S. Saha, learned counsel appearing for the respondent-contemnors no.2 and 3 and Mr. B. Majumder, learned Dy. SG appearing for respondent-contemnors no.1 and 4.

This Court vide order dated 18.07.2022 passed in WP(C) No.533 of 2022 directed the respondent-contemnors to consider the prayer mentioned in relief no.(ii) in accordance with rules. It was further directed that the respondents may consider the constitution of the selection committee as early as possible. The relief no.(ii) is as under:

“(ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for mandating/directing the respondents, to forthwith constitute Select Committee, for convening a Select Committee Meeting, for consideration of the cases of the petitioners, for promotion to Indian Police Service from the Tripura Police Service, against the available

vacancies in the Tripura Cadre, in conformity with the extant Rules and Regulations;”

Mr. Deb, learned senior counsel has drawn my attention to Regulation 5 of the Indian Police Service (Appointment by Promotion Regulations), 1955, which reads as under:

“5. Preparation of list of suitable officers:

5.1. Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service, as held by them to be suitable for promotion to the Service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned.....Commission.”

Mr. Deb, learned senior counsel has submitted that it is obligatory upon the State authorities concerned to hold a meeting every year. He has further submitted that for the last 6 (six) years there was no meeting.

This Court, as stated above have passed a specific order on 18.07.2022 to consider the case of the petitioners and for that purpose it was directed to constitute a Selection Committee as contemplated under Regulation 3 of Indian Police Service (Appointment by Promotion Regulations), 1955.

On the last occasion, as it is revealed from the order dated 03.01.2023 that learned GA had submitted that the process has been initiated to consider the promotion of the petitioners by constituting a Selection Committee and it needs 3 (three) weeks time for finalization.

Mr. Deb, learned senior counsel has submitted that till today the matter has not been finalized.

Mr. Bhattacharya, learned GA has submitted that Selection Committee has already been constituted and the process of promotion shall be finalized within 2 (two) weeks.

In my considered view, at this stage, I may refrain myself from drawing Contempt of Courts Proceeding against the respondents. However, I direct the State-respondents to complete and finalize the appointment by promotion including the recommendation to the UPSC within a period of 4 (four) weeks from today.

It is made clear that if the finalization of the list of suitable/eligible officers for promotion and the necessary recommendations thereof are not completed within the said 4 (four) weeks, then, this Court would have no other alternative but to draw Contempt of Courts Proceedings against the respondent-contemnors.

List the matter on **24.02.2023**. A copy of this order may be furnished to learned GA appearing for the respondents no.2 and 3 in course of the day.

JUDGE

Snigdha