

**HIGH COURT OF TRIPURA
AGARTALA**

No.F.9(a)(77)-HC(Vig)/01-16/11876-87

Dated, Agartala, the 1st July 2016

NOTIFICATION

Whereas, a disciplinary proceeding was drawn up by the High Court under Rule 14 of the CCS (CCA) Rules, 1965 vide Memo No.F.9(a)(77)-HC/01(Vig)/2015/2743 dated 11.02.2015 against Shri Goutam Debnath, the then District & Sessions Judge of Unakoti Judicial District, Kailashahar (*now posted as District & Sessions Judge of West Tripura Judicial District, Agartala*).

AND

Whereas, in the said disciplinary proceedings the following Articles of charges were framed against him.

“Article-I : That, Sri Goutam Debnath while functioning as District & Sessions Judge of erstwhile North Tripura Judicial District (now, Unakoti Judicial District), Kailashahar went to the residential Quarters of Shri Jesthamani Murasing, Judge, Family Court, Udaipur, Gomati Judicial District [the then Civil Judge (Sr.Div) & Asstt. Sessions Judge, erstwhile North Tripura Judicial District, Kailashahar], at Kailashahar on 01.08.2014 at any time from 1.00 PM to 2.15 PM and thereafter, consumed alcohol (Foreign Liquor) with Shri Jesthamani Murasing sitting in the drawing room of Shri Murasing’s Quarters during the court-working/office hours.

This act on the part of Shi Goutam Debnath is unbecoming of a Judicial Officer and thus, Shri Debnath has failed to maintain the dignity, integrity and high standard of conduct of a Judicial Officer and he has violated the code of conduct of a Judicial Officer and has thereby committed grave misconduct.

Article-II: That, during the aforesaid date and period and while functioning in the aforesaid office, Sri G. Debnath, during the course of taking drinks (Foreign Liquor) in the residential quarters of Sri Murasing, called Shri Murasing as ‘Tippreha’, ‘snub-nosed’ and ‘Tumi Lumba Chirba Lumba’ etc. and raised questions on his qualities to be a Grade-I Officer and engaged himself in an altercation with Sri Murasing on that day at that time.

This act on the part of Sri Goutam Debnath is unbecoming of a Judicial Officer and thus, Shri Debnath has failed to maintain the dignity, integrity and high standard of conduct of a Judicial Officer and he has violated the code of conduct of a Judicial Officer and has thereby committed grave misconduct.

Article-III: That, on the aforesaid date and while functioning in the foresaid office, Shri G. Debnath recorded false statement/mis-statement in the Court Case Diary dated 01.08.2014 of the Court of District & Sessions Judge, the then North Tripura Judicial District (now Unakoti Judicial District), Kailashahar to the effect that he did administrative and other

work on that day in between 3.00 PM to 5.00 PM and left Court at about 4.45 PM, which is self-contradictory.

The above said act of Sri Goutam Debnath amounts to failure on his part to apply judicial mind and to maintain absolute devotion to duty and absolute integrity and further said act is unbecoming of a Judicial Officer and amounts to serious dereliction in duty and misconduct on his part."

AND

Whereas, Shri S. M. Lodh, retired Grade-I Officer of Tripura Judicial Service in Supertime Scale was appointed as Inquiring Authority by the High Court vide Memo No.F.9(a)(77)-HC/01(Vig.)/2015/7553-55 dated 16.04.2015 to inquire into the charges against said Shri G. Debnath, the then District & Sessions Judge of Unakoti Judicial District, Kailashahar.

AND

Whereas, the Inquiring Authority having held the inquiry in accordance with the procedure laid down in CCS (CCA) Rules, 1965 had submitted Enquiry Report dated 06.08.2015 **finding Shri Debnath not guilty.**

AND

Whereas, the Hon'ble High Court in its Full Court meeting dated 03.06.2016 after assessment of evidence and consideration of the Inquiry Report and all other materials available on record dis-agreed with the findings of the Inquiring Authority and held as follows:

"After assessment of the evidence of the SWs particularly the evidence of SWs 1, 2, 3, 4, 5, 6, 9, 10 & 11 together with the documentary evidence particularly Exbt. 7 (series) and consideration of the Enquiry Report and all other materials available on record, the Full Court is of the view that all the 03 charges brought against Shri Debnath have been fully substantiated.

The Inquiring Officer while drawing up his findings on the charges failed to appreciate the fact that the standard of proof required in a disciplinary case is preponderance of probability and not proof beyond reasonable doubt. The Inquiring Officer seems to have applied the test of proof beyond reasonable doubt in the present case and found Shri Debnath not guilty of the charges which is not correct.

For the reasons aforesaid, the Full Court is of the view that the finding of the Inquiring Officer on the charges against Shri Goutam Debnath is incorrect and unacceptable.

The Full Court, therefore, resolves that the Registrar General shall forward a copy of the Report of the Inquiring Officer together with the decision of the Full Court requiring Shri Goutam Debnath, now District & Sessions Judge of West Tripura Judicial District, Agartala to submit, if he so desires, his written representation to the High Court within 15 days in terms of Rule 15(2) of the CCS(CCA) Rules, 1965."

AND

Whereas, the resolution dated 03.06.2016 of the Full Court along with Inquiry Report dated 06.08.2015 of the Inquiring Authority was communicated to Shri Goutam Debnath, District & Sessions Judge, West Tripura Judicial District, Agartala vide no.F.9(a)(77)-HC(Vig)/01-16/10213 dated 8th June, 2016 and he was required to submit his written representation to the High Court within 15 days in terms of Sub-rule(2) of Rule 15 of CCS(CCA) Rules, 1965.

AND

Whereas, Shri Debnath had submitted his written representation to the High Court vide No.F.4(a)(163)-DJ/W/09(Part)/228 dated 22.06.2016 in the terms of Rule 15(2) of the CCS (CCA) Rules, 1965.

AND

Whereas, the Hon'ble High Court in its Full Court meeting held on 28.06.2016 after consideration of such written representation of Shri Goutam Debnath filed under Rule 15(2) of the CCS (CCA) Rules, 1965 and discussion thereon has resolved to impose the penalty of withholding of the next 03 increments of pay without cumulative effect upon Shri Goutam Debnath, District & Sessions Judge of West Tripura Judicial District, Agartala.

NOW THEREFORE, in terms of the Full Court resolution dated 28.06.2016, the Hon'ble High Court has been pleased to impose the penalty of withholding of the next 03 (three) increments of pay without cumulative effect upon Shri Goutam Debnath, District & Sessions Judge of West Tripura Judicial District, Agartala.

By order

Sd/-

(S. G. Chattopadhyay)
Registrar General

Copy to:-

1. The LR & Secretary, Law Department, Government of Tripura, Agartala.
2. The Accountant General, Tripura, Agartala
3. The District & Sessions Judge, West Tripura Judicial District, Agartala.
4. The Principal Secretary to Hon'ble the Chief Justice, high Court of Tripura, Agartala.
5. The Secretary to Hon'ble Judges, High Court of Tripura, Agartala.
6. Shri Goutam Debnath, District & Sessions Judge, West Tripura Judicial District, Agartala.
7. The Superintendent (Estt. & Acct. sections), High Court of Tripura, Agartala.
8. The Treasury Officer, Treasury No.I & II, Agartala, West Tripura District.
9. The Manager, Tripura Government Press, Agartala for publication in the next issue of Tripura Gazette.
- ✓ 10. The System Analyst, High Court of Tripura, Agartala for up loading the same in the official website of the High Court of Tripura.
11. Personal file of the officer concerned.


Registrar General