

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.07/2023

Sri Ranajit Roy

.....Appellant(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Appellant(s) : Mr. Biplab Debnath, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. JASWANT SINGH
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

Order (Oral)

21/02/2023
(Jaswant Singh, C.J.)

The instant intra-Court appeal is directed against the order dated 23.11.2022 passed by the learned Single Judge, whereby the WP(C) No.17 of 2021 filed by the petitioner (appellant herein) assailing his discontinuation as a water pump operator on contract basis by the office of Dukli R.D. Block under Agartala Municipal Corporation, Agartala, has been dismissed.

2. After hearing counsel for the appellant and perusing the pleadings with his able assistance, we find that the petitioner was engaged in the year 2015 on contract basis as a pump operator in terms of Baishnab Tilla

pump, DTW Scheme under Dukli Block, Ward No.27, South Zone. It transpires that the Government of Tripura vide memorandum dated 10.05.2000 issued guidelines for handing over maintenance and operation of Rural Water Supply Schemes to the Panchayats/Block Advisory Committee/Autonomous District Council in order to ensure safe drinking water to the rural population of the areas concerned. A User Committee comprising of the Panchayat Pradhan as Chairman and the members to be nominated as per the scheme were entrusted the job of ensuring proper operation and maintenance of construction and operation of pump sets in the area and they were also required to engage persons as pump operators from the beneficial areas on contract basis. The appellant is one of such persons stated to be engaged on 06.05.2015 in the stated area on contract basis to operate the water pump without there being any element of advertisement, fulfilling of any eligibility conditions or selection based on suitability. He claims to have been forcibly disengaged on 03.03.2018 by some unknown youths after the declaration of the results of the Tripura State Assembly. The appellant is stated to have filed some complaints, however, preferred the aforesaid writ petition in the year 2021 after a delay of almost 3(three) years seeking a mandamus for permitting the petitioner to perform his duty as a pump operator.

3. In view of the aforesaid conspectus of facts, we find no fault in the order passed by the learned Single Judge whereby he has rightly refused to entertain the writ petition in view of the disputed question of facts raised in the writ petition. It is further apparent that a writ petition would not be maintainable after an unexplained delay of more than three years, and more so, when the employment was on contract basis under a scheme. In our considered opinion, the petitioner, if at all had any grievance, should have either raised a dispute under the Industrial Disputes Act or sought his civil remedy before the Courts below.

4. In view of the above, we find no merit in the present writ appeal and accordingly, the same is hereby dismissed.

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

(T. AMARNATH GOUD), J

(JASWANT SINGH), CJ

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