

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.13 of 2022

Sri Aniruddha Das,

S/o Late Balaram Das, Vill: East Champamura,
P.O.- Old Agartala, P.S.-Bodhjungnagar, Aged about 42 years,
West Tripura-District, Pin-799008.

....Petitioner(s)

Versus

- 1. The State of Tripura,**
Represented by the Secretary,
Forest Department, Government of Tripura, Secretariat
Building, P.O. Secretariat, P.S.-N.C.C. Agartala, District-West
Tripura, PIN-799010
- 2. The Principal Chief Conservation Forests,**
Government of Tripura, Aranya Bhaban, Pt. Nehru Complex,
P.O. Secretariat, P.S.-NCC, Gomati District, Tripura State,
Pin-799010
- 3. Tripura Forest Development & Plantation Corporation Limited,**
Represented by its Managing Director, a Government of Tripura
Undertaing, Abhoynagar, P.O.-Abhoynagar, Agartala,
Tripura, Pin-799005.
- 4. The Managing Director,**
Tripura Forest Development & Plantation Corporation Limited,
Abhoynagar, P.O.-Abhoynagar, Agartala, Tripura, Pin-799005.
- 5. The General Manager,**
Tripura Forest Development & Plantation Corporation Limited,
Anandanagar, P.O.-Nagicheera, Agartala,
Tripura West.

....Respondent(s)

For the Petitioner(s)	:	Mr. D.C. Saha, Advocate
For the Respondent(s)	:	Mr. D. Bhattacharya, GA Mr. Rajib Saha, Advocate
Date of hearing and delivery of judgment & order	:	14.08.2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

Heard Mr. D.C. Saha, learned counsel appearing for the
petitioner. Also heard Mr. D. Bhattacharya, learned GA assisted by Mr. Rajib
Saha, learned counsel appearing for the respondents-State.

2. It is the case of the petitioner that he has been serving under the respondents-T.F.D.P.C since 2008. There were some vacant posts and the petitioner submitted representations to regularize his service against those vacant posts. The respondents had issued an advertisement for filling up of various types of posts under T.F.D.P.C. It is the contention of the petitioner that in pursuance of the said advertisement he had applied for the said posts, but, he was not called for participating in the selection process. The petitioner submitted representations to the respondents to consider his regularization and the petitioner lastly submitted representation on 10.09.2021(Annexure-23 to the writ petition).

3. Mr. Saha, learned counsel for the petitioner has submitted that in spite of those representations the respondents have not regularized the service of the petitioner.

4. On the other hand, Mr. Bhattacharya, learned GA has submitted that the petitioner had never applied for any posts in pursuance of the advertisement dated 15.12.2015, which is evident from the records itself relating to the selection process. However, the petitioner was engaged as permanent factory worker on 18.06.2016.

5. At this juncture, this Court has made a query to Mr. Saha, learned counsel for the petitioner to ascertain whether the petitioner had applied for the said post and whether any proof has been submitted by the petitioner in the writ petition in support of his statement that he had applied for the post of Turner in pursuance of the advertisement dated 15.12.2015.

6. Mr. Saha, learned counsel for the petitioner has submitted that the petitioner has not annexed any such document in the present writ petition.

In view of this, in my opinion, the petitioner has failed to substantiate his statement that he has applied for the said post in pursuance of the advertisement. When there is a specific statement in the affidavit-in-opposition filed by the respondents that the petitioner had not applied for any post in pursuance of the advertisement, the petitioner must have submitted the required document showing that he had applied for the said post. That apart, selection process was concluded in the year 2021 and successful candidates were already appointed. Moreso, regularization or absorption is not a matter of right and it is a right to be considered by the employer as per the service rules.

It is also surfaced that the petitioner was not engaged as Turner by observing the established norms of employment as enshrined under Article 14 and 16 of Constitution of India.

In view of this, I do not find any merit in the instant writ petition.

Accordingly, the instant writ petition stands dismissed.

JUDGE