

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 49 of 2023

1. Sri Rajib Das,

S/o- Sri Haradhan Das, R/o- Shantir Bazar,
P.O & P.S- Shantir Bazar ,
District- South Tripura, Pin-799144,
Aged about-41 years.

2. Sri Debdulal Pal,

S/o- Lt. Abinash Ch. Pal, R/o- Vill:- Town Sonamura,
Udaipur, P.O & P.S- R.K Pur, District-Gomati,
Pin-799120, Aged about -45 years.

---Petitioners

Versus

1. The State of Tripura

Represented by its Principal Secretary, Health and Family Welfare
Department, Govt. of Tripura, New Secretariat Complex, P.O-Secretariat,
P.S.- New Capital Complex, District- West Tripura, Pin-799010.

2. The Director of Health services,

Govt. of Tripura,
P.O- Agartala, P.S- West Agartala,
District: West Tripura, Pin:799001.

3. The Principal Secretary,

Finance Department, Govt. of Tripura, New Secretariat Complex, P.O-
Secretariat, P.S- New Capital Complex, District: West Tripura, Pin-
799010.

--- Respondents

For the Petitioner(s)

:

Mr. A. Bhaumik, Advocate

For the Respondent(s)

:

Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

04.04.2023

Heard Mr. A. Bhaumik, learned counsel appearing for the
petitioners. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for
the respondents.

Two petitioners have filed this writ petition for their regularisation and absorption to the post of Radiographer under the respondents.

Background facts are that a Division Bench of this Court while hearing the appeals filed by the State-appellants, respondents herein, it was submitted by the State-appellant that there was no vacant post to regularize the services of the writ petitioners. In that situation, the Court had passed the following order:-

“10. In the result, by modifying the impugned judgment of the learned Single Judge it is provided that the original petitioners shall be regularized on the post of Radiographer on the existing vacancies in the permanent set up, if so available. If not, against the earliest vacancies which may arise. Till this is done, the petitioners shall be paid minimum of the scale prescribed for the post of Radiographer which would include basic pay plus prevailing dearness allowance but no other allowances.”

Accordingly, the State-respondents had allowed them the minimum basic pay plus dearness allowance meant for the post of Radiographer. Thereafter, the petitioners had filed an application under Right to Information Act to know how many posts were lying vacant. It was informed to them by the Information Officer that 28(twenty eight) posts were lying vacant, but the said posts were lapsed. The petitioner had served demand notice to the competent authority of the respondents requesting to revive the said posts/vacancies. In reply to that notice, it was informed to them vide communication dated 30.11.2022, issued by

the Directorate of Health Services, Government of Tripura that their claims for revival of the lapsed posts is under active consideration.

In view of communication dated 30.11.2022, I direct the respondents i.e. The Director, Health and Family Welfare Department to expedite the process for revival of the lapsed posts preferably within 3(three) months from today and regularize the services of the petitioners accommodating them against the revived vacant posts.

With the aforesaid observation and directions, the instant writ petition stands allowed and disposed.

JUDGE

Rohit



सत्यमेव जयते