

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.75 of 2022**

Smt. Laxmi Saha,
W/o: Dilip Saha,
R/o: Melaghar Padma Dhepa,
P.S. & P.O.: Melaghar, Pin: 799115.

....Petitioner(s)

Versus

- 1. The State of Tripura,** to be represented by the Secretary, Department of Finance, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.: New Capital Complex, Agartala, West Tripura, PIN:799010.
- 2. Tripura State Electricity Corporation Ltd.,** to be represented by the Chairman cum Managing Director, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, P.S.: East Agartala, Dist: West Tripura, PIN:799001.
- 3. The Deputy General Manager,**
Electrical Division, Sonamura, Sepahijala District, Tripura.
- 4. The Deputy General Manager,**
Electrical Division No:XI, Rabindranagar, Tripura(W).
- 5. The Sr. Manager,**
Electrical Sub-Division, Melaghar.

....Respondent(s)

For the Petitioner(s)	:	Mr. S. Bhattacharjee, Advocate
For the Respondent(s)	:	Mr. N. Majumder, Advocate
Date of hearing & delivery of judgment & order	:	05.10.2023
Whether fit for reporting	:	No

**HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT & ORDER (ORAL)**

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. N. Majumder, learned counsel appearing for the respondents-TSECL.

2. By way of filing the present writ petition, the petitioner has prayed for regularization of her service.

3. It is submitted that the petitioner was engaged as Contract Basis Worker(for short, CBW) on 20.03.2003. She has prayed for regularization of her service on the basis of some schemes framed by the

Government of Tripura which were adopted by the respondents-TSECL in the year 2008. The schemes had laid down some parameters for regularization in consonance with the spirit and directions passed in *Secretary, State of Karnataka & Ors. Vs. Uma Devi(3) & Ors.*, reported in (2006) 4 SCC 1. The schemes for regularization were repealed on 31.07.2018 by the State Government after long 10(ten) years.

4. Mr. Bhattacharjee, learned counsel for the petitioner has prayed for consideration of the regularization of the service of the petitioner since she has been serving for a long period.

5. On the other hand, Mr. Majumder, learned counsel for the respondents-TSECL has submitted that the petitioner was not appointed against any regular vacant sanctioned post. The petitioner was not engaged by the competent authority. She was appointed at the whims of an officer. This kind of appointment cannot be said irregular appointment, rather it is an illegal appointment.

6. In the case of *State of Karnataka vs. M.L. Kesari*, (2010) 9 SCC 247, the Hon'ble Supreme Court has made a clear distinction between irregular and illegal employees. In the case of *Uma Devi(3)(supra)*, the Constitution Bench of the Hon'ble Supreme Court has directed the Central and the State Governments to formulate scheme for irregular appointed employees, but not for the employees who are appointed illegally.

7. In the present case, Mr. Bhattacharjee, learned counsel for the petitioner has failed to justify that the petitioner was appointed against any regular sanctioned vacant post. The engagement letter also is not found in the writ petition. Only a list of some workers has been enclosed as annexure to the writ petition(Annexure-1 to the writ petition) wherein the petitioner's engagement was recorded as Contract Basis Worker. In the list, even there is no mention of date of engagement of the petitioner.

8. From Annexure-15 of the writ petition, it is found that the petitioner has made an application on 14.11.2018 for regularization of her service with upgradation.

9. It is an admitted position that the State Government has repealed the schemes for regularization on 31.07.2018. This Court has

passed a detailed judgment on this aspect in the case of *Satyanarjan Dey & Anr. vs. The State of Tripura & Ors.*, in *WP(C) No.5 of 2023*, wherein it was held that regularization cannot become a regular process of recruitment. Moreover, the petitioner was a contractual employee and entered into service through back door.

10. In the light of the above discussions, the petitioner is not entitled to get the benefit of the scheme of regularization nor in any way be considered for regularization. If any fresh schemes are formulated, then, it will be at the discretion of the respondents to consider her regularization within the framework of the scheme/s.

11. In the result, the present writ petition stands dismissed being devoid of merit.

Pending application(s), if any, also stands dismissed.

JUDGE



Snigdha

**SANJAY
GHOSH** Digitally signed by
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