

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 84/2021

Sri Bikash Singha

.....Petitioner

Versus

The State of Tripura and 4 ors.

.....Respondents

For Petitioner(s) : Ms. A. Debbarma, Advocate

For Respondent(s) : Mr. D. Sarma, Additional GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

21/03/2023

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Additional GA appearing for the respondents-State. None appears for the respondent Tripura State Electricity Corporation Limited.

This is second round of litigation. Earlier the petitioner had filed a writ petition wherein a learned Single Judge of this court had passed the following order:

"21. Thus, the Corporation respondents are directed to conduct an inquiry by a senior Administrative Officer to find out whether the petitioners served 8(eight) hours a day as the contingent workers in the Group C and Group D categories as claimed by them. If the petitioners, even if they were not paid their wages for full time service, are found to have discharged their duties for 8(eight) hours a day, they shall be treated as the full time contingent workers and they shall be regularized in terms of the memorandum dated 01.09.2008 or 21.01.2009 on completion of their 10(ten) years of service.

22. The petitioners shall be entitled to get the full pay and allowances from the next date of the completion of 10(ten) years of service in terms of those memoranda. The Corporation respondents shall complete this inquiry based on the records produced with the writ petitions and the other records maintained by the officers under whom the petitioners were/are working. If after inquiry it is found that the petitioners discharged duties on full time basis, their regularization shall be made as above. The inquiry has to be completed within a period of 3(three) months from the day when the petitioners shall serve a copy of this order to the Corporation respondents. On completion of the inquiry if the petitioners are found to have served the Power Department and the Corporation 8(eight) hours a day as claimed they shall be regularized within the next 3(three) months positively. However, in the event the petitioners are found to be Part Time Workers, their service shall be converted as DRWs in terms of the Government policy within the said stipulated period."

In pursuance of the said order, an inquiry was held, and ultimately the respondents had issued an office order dated 14.06.2019 whereby the petitioner was absorbed as DRW (under Group 'C' category) w.e.f. 01.12.2012 as per the memorandum no. F.10.12-FIN(G)/2007 (Part-I) of

07.11.2012 of Finance Department, GoT, but the financial benefit to be given prospective effect only.

In *W.P(C) 1117 of 2016* titled as *Sri Satyendra Sarkar vs. State of Tripura and others*, this court had observed and directed that “*in the event, the petitioners are found to be Part Time Workers, their service shall be converted as DRWs in terms of the government policy within the said stipulated period*”.

From the inquiry report dated 19.01.2018 issued by the Director (Finance), it is revealed that the petitioner failed to produce any document/record to prove that he had worked for 8 hours a day rather it has been proved that the petitioner had worked for 4 hours a day, and the petitioner has put his signature on the report. The inquiry report further reveals that in almost every documents to the status of the petitioner were shown as Part Time Worker and in some of the documents/record his status has been shown as Contract Worker. However, the Inquiry Committee came to a conclusion that the service of the petitioner may be upgraded to DRW as per memorandum dated 07.11.2012 issued by the Finance Department.

The said inquiry report has not been disputed by Ms. Debbarma, learned counsel appearing for the petitioner.

In the instant case, it becomes evident that the petitioner was found to be working as PTW, and in view of this, in my opinion, the respondents have not committed any wrong to convert the service of the petitioner to DRW from PTW. The order of converting the service of the petitioner into DRW is in the line of the direction of this Court passed in a batch of writ petitions titled as *Satyendra Sarkar (supra)*.

In the opinion of this court, in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India, this court will not enter into this disputed fact. The remedy of the petitioner lies elsewhere.

Accordingly, the instant writ petition is devoid of merit and thus, stands dismissed. Pending application(s), if any, also stands dismissed.

JUDGE