

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 119/2022**

Sri Anil Chandra Paul

Son of Late Aswini Kumar Paul
Village- Jatanbari, Lebacharra
P.O. Jatanbari, P.S. Natun Bazar
Dist. Gomati Tripura.

.....Petitioner

-VERSUS-

1. The State of Tripura

Represented by the Principal Secretary
Department of Industry & Commerce,
Govt. of Tripura, Civil Secretariat, New Capital Complex, Agartala-799010
P.S. New Capital Complex, Dist. West Tripura.

2. The Director, Department of Industry & Commerce

Khehur Bagar, Agartala-799010
P.S New Capital Complex, Dist. West Tripura

3. The Director

Department of Handloom & Handicraft & Sericulture,
Govt. of Tripura, Indranagar, Agartala- 799006
P.S. New Capital Complex, Dist. West Tripura

4. The Commissioner cum Secretary

Finance Department, govt. of Tripura
Civil Secretariat, New secretariat Building New Capital Complex, Agartala-799010
Dist. West Tripura

.....Respondents

For Petitioner(s)	:	None
For Respondent(s)	:	Mr. S. Lodh, Advocate Mr. Samarjit Bhattacharjee, Advocate
Date of hearing & delivery of judgment & order	:	03.07.2023
Whether fit for reporting	:	No

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

None appears for the petitioner.

While taking up the matter for hearing, this Court, at the very outset has made an enquiry from the Registry whether the order dated 01.07.2023 passed by this Court has been uploaded on 01.07.2023 or not. The Registry has

informed that the order dated 01.07.2023 was duly uploaded in the official website of the High Court.

Today also, none appears before this Court to participate in the hearing. As such, the Court has taken up the matter for hearing.

Briefly stated, the petitioner has prayed for regularization of his service as permanent labourer. The petitioner had earlier filed a writ petition bearing no.W.P(C) 1192 of 2019. While disposing the said writ petition vide order dated 04.02.2020, this court directed the respondents to take final decision on the request of the petitioner for promotion to the post of Farm Worker within a period of 2 (two) months from the date of the order.

In pursuance of the said order passed by this court, the respondents had examined the matter for consideration of promotion of the petitioner to the post of Farm Worker. It was found that there was no vacancy, and the petitioner was duly communicated with the decision of the respondents that he does not come within the zone of consideration for promotion to the post of Farm Worker.

The petitioner has filed the writ petition for regularization of his service in the light of the memorandum under No. F.10(2)/FIN(G)/2008 (part), dated 21.01.2007 (Annexure 7 to the writ petition) issued by the Government of Tripura.

I have perused the said memorandum dated 21.01.2009, wherein the Government of Tripura had taken a policy decision to regularize the service of the Daily Rated Workers, Contingent Workers and Casual Workers. The petitioner was engaged as a Daily Rated Worker (DRW) on 26.02.1990, and he was duly promoted to the post of Sericulture Permanent Labourer on 11.11.2011 (Annexure 5 to the writ petition).

The service conditions of Sericulture Permanent Labourer are governed by separate Rules, called "Tripura Government Sericultural Permanent Labourers (Recruitment and Condition of Service) Rules, 1985". Furthermore, it is evident from the memorandum dated 21.01.2009 issued by the Finance Department that the said memo itself is not applicable in the case of Permanent Labourers, Part-time workers, Anganwadi workers and Helpers, Home Guards, Teachers and Workers engaged under SSA and other Schemes/Programmes.

Since the service conditions of the petitioner are governed by the Tripura Government Sericulture Permanent Labour(Recruitment and Conditions of Service) Rules, 1985, the petitioner does not come within the purview of the said policy decision of the Government issued vide Memorandum dated 21.01.2009.

The respondents have already taken a decision that the claim for regularization of the petitioner in the concerned post shall be considered duly when his turn will come up.

In the light of the above, the present writ petition deserves no merit for consideration and accordingly, it is dismissed.

Rohit

JUDGE

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