

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.185 of 2022

Smt. Gita Datta

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. P.K. Pal, Advocate
		Mr S. Datta,, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

19/12/2023

Heard Mr. P.K. Pal and Mr. S. Datta, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

The facts of the case, briefly stated, the petitioner was first engaged as Daily Rated Worker(DRW). After a certain period she was appointed as Permanent Labourer and after completion of 24 years of service as DRW and Permanent Labourer, she was appointed as Farm Worker in terms of the relevant recruitment rule in the regular scale of pay under the respondents. By way of filing the present writ petition, the petitioner has prayed for treating her employment as Group-C employee.

Mr. Pal, learned counsel for the petitioner to substantiate the plea of the petitioner has drawn my attention to an office order dated 06.01.2016(Annexure-8 to the writ petition) wherein the petitioner was assigned to discharge her duties as a dealing assistant of E.E(M), Cold storage, SBDTW, and preparation of bill and entrusted to any work as an when required. According to Mr. Pal, learned counsel for the petitioner, from this office order dated 06.01.2016 it is evident that the petitioner has been performing the duties of a Group-C employee. So, the service of the petitioner has to be regularized as Group-C employee.

On the other hand, Mr. Debbarma, learned Addl. GA has firmly opposed the prayer of the petitioner as well as the submission of learned counsel for the petitioner. According to Mr. Debbarma, learned Addl. GA, for

regularization of an employee there must have some specified sanctioned vacant post and it must be followed by a regular selection process. The initial appointment of the petitioner was not through a proper selection process as enshrined under Articles 14 and 16 of the Constitution of India. She entered into the service through backdoor. In spite of that, following the scheme of the government, the petitioner was appointed as Permanent Labourer from DRW and thereafter as Farm Worker. Learned Addl. GA has further submitted that there is no recruitment rule so that a Farm Worker can be appointed as Group-C employee. To get appointed against any Group-C category of posts there is separate recruitment rule exists under the respondents.

I have considered the submissions of learned counsel appearing for the parties.

In my opinion, the office order dated 06.01.2016 issued by the Executive Engineer, Department of Agriculture, Ganganagar, Dharmanagar, North Tripura does not confer any right upon the petitioner to seek regularization against the Group-C post. This is an internal arrangement which she accepted. Moreover, claim of regularization is not a matter of right but it is a right to be considered by the employer. The Court in exercise of its extraordinary jurisdiction cannot pass direction to the respondents-employer to absorb or regularize the service of the petitioner as Group-C employee since the posts of Group-C are to be filled up by the established norms of public employment and against a sanctioned vacant post.

In the instant case, learned counsel for the petitioner has failed to justify if there is any sanctioned vacant post exists in the Group-C cadre.

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

Accordingly, the instant writ petition stands dismissed.

JUDGE

Snigdha