

**HIGH COURT OF TRIPURA
AGARTALA**

WA 33 of 2023

Sri Shyamal Saha

..... Appellant(s)

V E R S U S

The State of Tripura And Ors.

..... Respondent(s)

For Appellant(s) : Ms. Sarama Deb, Advocate,
Ms. Suchitra Ghosh, Advocate,
For Respondent(s) : Mr. D. Sharma, Addl. GA,

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

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31/07/2023

Heard Ms. Sarama Deb, learned counsel appearing for the appellant and Mr. D. Sharma, Additional Government Advocate appearing for the State-respondents.

The petitioner approached the Writ Court in WP(C) 881 of 2022 with a prayer for regularization as Live Stock Farm Worker (Group-D) alleging that 606 Permanent Labourers were regularized in that category but the petitioner was not considered. Petitioner claims to have been engaged in Daily Rated Worker (DRW) in the year 2004 and as Permanent Labourer since 01.01.2007. The Writ Court, after considering the case of the parties, dismissed the writ petition holding as under :

“.....
Only in the year 2022, the petitioner has approached for regularization when all the policies for regularization were repealed in the year 2018. Added to it, in my opinion, the writ petition badly suffers from the established doctrine of delay and latches as all on a sudden after elapse of so many years, the petitioner woke up to ventilate his grievance by filing this writ petition. More so, claim of regularization or absorption is not matter of right. It is a right to be considered, if the claim comes within the purview of a recognized

policy. The petitioner may approach the concerned authority and pursue his claim.

Accordingly, the instant writ petition stands dismissed as it is absolutely barred by delay and laches.”

Ms. Sarama Deb, learned counsel for the appellant submits that the persons junior to the petitioner have been promoted. The petitioner, because of ignorance, could not approach this court earlier when his juniors were promoted. The learned Writ Court has dismissed the writ petition only on the ground of delay. Therefore, on humanitarian consideration, the case of the petitioner may be considered for regularization as he has been working for more than fifteen years as a Permanent Labourer.

Mr. D. Sharma, learned Additional Government Advocate has strongly opposed the prayer of the petitioner. He submits that the regularization scheme has been repealed on 13.11.2019. The petitioner's grievance was stale, when he approached the Writ Court in the year 2022. The Learned Writ Court has also taken into consideration the fact that the policy for regularization has been repealed in the year 2019 itself. The writ petition is rightly dismissed on the ground of delay and laches.

On considering the rival submission made by the parties and the materials placed on record and after going through the impugned judgment, we are of the view that not only the claim of the petitioner is barred by delay and laches but there being no subsisting cause of action in favour of the petitioner due to the abolition of the scheme of regularization on 13.11.2019, no legal right for regularization can be agitated at this stage. Regularizations, if any, are undertaken as per the scheme of the employer framed in terms of the direction passed by the Apex Court in the case of *Secretary, State of Karnataka Vs Umadevi and Others* reported in (2006) 4 SSC 1. As such, there is no merit in the appeal.

The instant appeal is, therefore, dismissed.

Pending application(s), if any, also stand disposed of.

(T. Amarnath Goud), J

(Aparesh Kumar Singh), CJ

HIGH COURT OF TRIPURA



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