

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 259 OF 2023

Sri Arjun Das & Anr. Vrs. The State of Tripura & 2 Ors.

For the petitioner(s) : Mr. A. Bhaumik, Advocate.

For the respondent (s) : Mr. Rajib Saha, Advocate.

HON'BLE MR. JUSTICE ARINDAM LODH

19.12.2023

Order

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners.

Mr. Rajib Saha, learned counsel appearing for the State-respondents has sought for an adjournment on the ground that he has forgotten to bring the file to the Court and for this reason, he is unable to address the Court.

This Court has declined the prayer of Mr. Saha, learned counsel for the State-respondents for granting adjournment and proceeded to dispose of the case on perusal of the Counter Affidavit.

Mr. Bhaumik, learned counsel appearing for the petitioners has submitted that the petitioners were first engaged as Cook-cum-Masalchi and Helper in pursuance of the Memorandum dated 9th December, 1998. There was regular selection process and after they became successful in the selection process, they were appointed in the said posts in the year 1998 and since then they have been discharging their duties as Cook-cum-Masalchi and Helper under the respondents.

The matter for regularization of the petitioners was taken up by the Government and it is evident from the records that Finance Department also had concurred the regularization of the services of the petitioners subject to the approval of the Council of Ministers. The matter for regularization of the petitioners was referred to the Council of Ministers for decision. In that meanwhile, in a policy decision of the Government in the year 2018, the process of regularization of irregularly appointed employees have been repealed and the services of the petitioners could not be regularized.

At this stage, Mr. Saha, learned counsel for the State-respondents has relied upon the statements made in Paragraph 5 of the counter affidavit that due to the repealing of the policy of regularization it was not possible for the respondents to regularize the services of the petitioners. Mr. Saha, learned counsel has further relied upon Para 48 of the judgment rendered in *Satya Ranjan Dey & Anr. Vrs. The State of Tripura & Ors.*[WP(C) No.5 of 2023] passed by this Court on the subject of Regularization.

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

I may unhesitantly observe that the instant petition is absolutely barred by delay and laches. The petitioners ought to have approached the Court during the existence of the policy of regularization. However, it is noticed by the Court that the petitioners entered into services through a regular process of selection. The Finance Department also had considered the matter and after due consideration concurrence had been given for regularizing the services of the petitioners. Their respective files were sent to the Council of Ministers for Cabinet approval. In that meanwhile, the regularization policy of the Government has been repealed.

Considering the fact that the petitioners had been appointed through a regular selection process and against the posts which were duly sanctioned by the Finance Department, Govt. of Tripura, their claim for regularization may be considered by the respondents.

Accordingly, the respondents are directed to take a fresh look into the matter and make an endeavour to regularize the services of the petitioners. The entire process shall be completed within 3(three) months from date of receipt of the copy of this order.

With the aforesaid directions and observations, the instant writ petition stands allowed and disposed.

JUDGE