

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 320/2022**

Sri Dipak Ghosh,

S/O late Mahananda Ghosh, resident of Ward No. 24, near Nabajiban Sangha,
P.O. + P.S. A.D. Nagar, District- West Tripura-799003

..... PETITIONER

versus

1. The State of Tripura

represented by its Principal Secretary, Food Civil Supplies and Consumer Affairs Department, Government of Tripura, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura

2. The Director

Food Civil Supplies and Consumer Affairs Department, Government of Tripura, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura

3. The Deputy Director

Food Civil Supplies and Consumer Affairs Department, Government of Tripura, Udaipur, P.O. + P.S. RK Pur-799120, District- Gomati, Tripura

4. The Officer-in-Charge

Central Stores, Food Civil Supplies and Consumer Affairs Department, Government of Tripura, A.D. Nagar, P.O. Agartala-799003, P.S. West Agartala, District- West Tripura Tripura

5. The Principal Secretary

Department of Finance, Government of Tripura, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura

-----Respondent(s)

For Petitioner(s)	:	Mr. S. Dey, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA
Date of hearing & delivery of judgment	:	05.09.2023
Whether fit for reporting	:	Yes / No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

05.09.2023

Heard Mr. S. Dey, learned counsel appearing for the petitioner as well as Mr. D. Sarma, learned Additional GA appearing for the respondents-State.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

- "i. Issue notice upon the respondents;**
- ii. Call for the relevant records from the custody of the respondents;**
- iii. Issue rule calling upon the Respondents to show-cause as to why the petitioner shall not be regularized in service as Driver (Group-C post) under the Respondents w.e.f. the date of completion of 10 years of service;**

Issue Rule calling upon the Respondents to show cause as to why a direction shall not be issued to grant the petitioner all service benefits including financial benefits including arrears of financial benefit pursuant to such regularization from the date of completion of 10 years of service as casual driver;

Issue rule calling upon the Respondents to show cause as to why the petitioner shall not be granted the minimum of the regular pay scale for the post of Driver along with all arrears for the period the petitioner has discharged the duty and responsibility of a Driver i.e. w.e.f. July, 2003 till date.

iv. And after hearing the parties be pleased to make the rule absolute."

3. It is the case of the petitioner that he joined as DRW under the respondents on July, 2003 by an Officer-in-Charge in the Department of Central Stores, A.D. Nagar, Agartala, and he worked for 10 (ten) years under the said Officer-in-Charge. By way of filing the present writ petition, he has prayed for regularization of his service.

4. Mr. D. Sarma, learned Additional GA appearing for the respondents-State has submitted that there is no engagement letter issued by the competent authority. Moreover, from the date of birth of the petitioner, it appears that at present the petitioner attained the age of almost 72 years. The date of birth of the petitioner is 12.11.1951. It is further submitted that as per the then policy, the petitioner has not completed 10 (ten) years of service as on 31.03.2003.

5. I have gone through the contents of the writ petition as well as the submissions of the learned counsel appearing for the parties.

6. In my opinion, the instant writ petition is badly barred by the doctrine of delay and laches. Moreover, all the schemes for regularization have been repealed on 31.07.2018. The petitioner has failed to show that he was engaged against any regular vacant post. In furtherance thereof, there is no evidence on record which would show that the petitioner was appointed by any competent authority. That apart, the petitioner was engaged after 31.03.2003 and by policy dated 21.01.2009, the Government of Tripura had declared a complete ban on engagement of DRWs/casual/contingent workers after 31.03.2003 without concurrence from the Finance Department.

7. In the light of above, I find no merit in the instant writ petition. Accordingly, the same stands dismissed. Pending application(s), if any, also stands dismissed.

JUDGE



SAIKAT KAR Digitally signed by SAIKAT KAR
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