HIGH COURT OF TRIPURA
AGARTALA

WP(C) 296/2023

Smt. Saraswati Karmakar ..... Petitioner(s)

Versus

State of Tripura and 3 others ..... Respondent(s)

For Petitioner(s)	:	Mr. DC Saha, Advocate. Mr. TK Choudhury, Advocate.
For Respondent(s)	:	Mr. AK Deb, Advocate.
Date of hearing and delivery of judgment and order	:	16.05.2023.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India filed by the petitioner.

[2] The brief facts enumerated in the petition of the petitioner are that the petitioner engaged as Contingent Worker by Power Department, Government of Tripura on 02.01.1997. After creation of TSECL her service transferred on deputation to said corporation with assurance that her service condition shall be governed by rules, regulations by which she was governed as on 31.12.2004. Thereafter on 10.09.2015 TSECL has given offer of appointment to the petitioner alongwith other regularizing her service with a direction that she should join on or before 17th September, 2015 to his/her place of posting. Accordingly she joined to her new assignment on 16.09.2015. But on 18.09.2015, the aforesaid offer of appointment was kept in abeyance until further order. On 07.08.2017. aforesaid kept in abeyance order was withdrawn with immediate effect without considering the retrospective effect of regularization with effect from 01.07.2008. On 30. 07.2021, she came to learn that retrospective effect w.e.f. 01.07.2008 was allowed to other similar situated persons even juniors to petitioner vide Memo dated 05.08.2017 depriving the petitioner though her name has been

incorporated at serial no. 111 of List-4 enclosed with Memo dated 09.06.2009 and as such she is entitled to effect of her regularization w.e.f. 01.07.2008. Moreover on 08.08.2019 some employees even juniors allowed 50% of their past service as DRW/Contingent workers etc. depriving the petitioner. Moreover on 16.07.2021 in the Seniority list her name has been shown at Sl. No.934 showing her juniors as her senior. According to the petitioner, in spite of her representations, the respondent(s) is/are arbitrarily depriving her from the financial and service benefits alongwith her appropriate seniority and counting of her past service towards pension etc. which has been allowed to similarly situated persons even juniors to petitioner.

[3] Being aggrieved, the petitioner has approached this court for the following reliefs:

> (a) Admit the writ petition.
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> (b) Call for the records.
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> (c) Issue a writ in the nature of certiorari calling upon the respondents to show cause as to why the Memorandum No.F.6(1)-TSECL(PSU)/Estt.-I/2021/Pt-I/20126-174 dated 16.07.2021 should not be declared as illegal and arbitrary in respect of the seniority of the petitioner.
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> (d) Issue writ of certiorari calling upon the respondents to show cause as to why the Memorandum No. F.1(2)-TSECL (PSU)/ Estt.-I/2015/25787-841 dated 08.08.2019 should be declared as illegal and arbitrary as regard to the non-counting of past service towards pension etc. of the petitioner as contingent worker as allowed to similar situated persons even juniors to the petitioner depriving petitioner without showing any cause.
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> (e) Issue writ of certiorari calling upon the respondents to show case as to why the Memorandum No.F.2(1)-TSECL/PSU/Estt.-I/2015/21700-55 dated 05.08.2017 should not be declared as illegal and arbitrary as regard to the regularization of service allowed to similar situated persons even juniors to the petitioner with effect from 01.07.2008 depriving the petitioner for not regularizing her service with effect from 01.12.2007 from contingent worker without showing any cause.
>
> (f) Issue writ in the nature of certiorari calling upon the respondents to show cause as to why the Memorandum No.F.6(151)-TSECL/Corp-Office/2015/32217-311 dated 10.09.2015 should not be declared as illegal and arbitrary as regard to the date of effect of regularization of the petitioner.

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(g) Issue writ in the nature of mandamus calling upon the respondents to show cause as to why the service of petitioner should not be regularized with effect from 01.12.2007 from contingent worker to the post of Helper Grade-II in abiding the principle enunciated by the Government vide Memorandum dated 09.06.2009 alike similarly situated persons.

(h) Issue writ in the nature of mandamus calling upon the respondents to show cause as to why the respondents should not act and be computed her service to the post of Helper Grade-II with effect from 01.07.2008 and to defray pay and allowances to the petitioner alike similarly situated persons even juniors to the petitioner.

[4] Heard Mr. DC Saha, learned counsel appearing alongwith Mr. TK Choudhury, learned counsel for the petitioners. Mr. AK Deb, learned counsel appears for the respondents.

[5] Having considered the submissions as advanced by the learned counsel appearing for both the parties and without expressing any opinion on merits of this case, the present writ petition stands disposed of directing the respondents to consider the case of the petitioner in the light of the representations submitted on 27.12.2022 before the respondents within a period of 3(three) months from the date of receipt of the copy of this order.

[6] Accordingly, present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

Sabyasachi G.