

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.60 of 2023

Sri Mantu Shil

..... Appellant(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Appellant(s) : Mrs. S. Deb (Gupta), Advocate.

For Respondent(s) : Mr. D. C. Saha, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S. D. PURKAYASTHA**

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18/12/2023

Heard learned counsel for the parties.

[2] The appellant, a Daily Rated Worker (DRW), engaged in 2004 under a scheme, approached the writ court in 2023 for regularization of service on the strength of his claim of having completed 10 years. There was a scheme for regularization in the year 2009. Another scheme came into existence in the year 2014. Both of them were superseded or rather repealed by the government in the year 2018. Appellant approached this court five years after supersession of the regularization scheme. The learned single judge therefore refused to interfere in the matter. Being aggrieved, the appellant is before us.

[3] Mrs. S. Deb (Gupta), learned counsel for the appellant submits that the appellant was ignorant about the repeal of the scheme in the year 2018. Earlier the government had itself regularized the services of about 134 DRWs by an order dated 01.12.2016 issued by the Director of Secondary Education, Agartala, Tripura (Annexure-3). Appellant being similarly situated may also be treated on grounds of parity. Learned counsel

for the appellant had relied upon one judgment of the division bench of this court in WA No.153 of 2022 dated 12.12.2022 arising out of judgment dated 15.03.2022 passed in WP(C) No.860 of 2021. Learned counsel for the appellant submits that in the writ appeal, the challenge by the State of Tripura was negated and the order of the single judge directing regularization was affirmed. It is submitted that if the petitioner is not regularized, untold hardship would entail upon him since he is working for 19 years by now.

[4] Learned counsel for the State has opposed the prayer and submits that since the scheme of regularization has been abolished in the year 2018, there is no legitimate expectation or legal rights in favour of the petitioner who did not approach the court within time to stake a claim for regularization under the existing scheme of 2014. As such, learned writ court has rightly refused the prayer otherwise it would open up several such belated claims.

[5] We have considered the submissions of the learned counsel for the parties and taken note of the material pleadings placed on record. We have gone through the decision cited by the learned counsel for the appellant in the case *Sri Upendra Tripura and Others v/s State of Tripura and others*. The scheme of regularization was framed in terms of the judgment rendered in *Secretary, State of Karnataka and others vs. Uma Devi (3) and others, (2006) 4 SCC 1*, as a onetime measure to regularize irregular appointments. The regularization scheme has been abolished in 2018 by the State. As such, no legal right for regularization can be claimed,

more so when the appellant had approached the writ court after five years of the abolition of the regularization scheme. Reference is made to the judgment in WA No.112 of 2022 dated 16.10.2023 in the case of *The State of Tripura and others V/s Smt. Suprava Debnath*. A quietus needs to be given to such belated claims when the scheme is not in existence. Therefore, we do not find any error in the impugned judgment.

[6] Accordingly, the instant appeal is dismissed. Pending application(s), if any, also stands disposed of.

(S. D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

