

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.414 of 2023

Smt. Milan Chakraborty(Goswami),
W/o: Lt. Sunil Goswami, R/o: Paschim Sonatala,
P.S: Khowai, Tripura.

....Petitioner(s)

Versus

1. The State of Tripura

To be represented by the Secretary, Department of
Finance, Govt of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S: New Capital
Complex, Agartala, West Tripura, PIN:799010.

2. Tripura State Electricity Corporation Limited,

to be represented by the Chairman-cum-Managing Director,
Bidyut Bhaban, Banamalipur, Agartala, Tripura

3. The Chairman-cum-Managing Director,

Bidyut Bhaban, Banamalipur, Agartala, Tripura

4. The Dy. General Manager,

Transmission Division, TSECL, 79 Tilla, Agartala.

....Respondent(s)

For the Petitioner(s)	:	Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. D. Bhattacharya, Advocate Mr. Soumyadeep Saha, Advocate
Date of hearing and delivery of judgment & order	:	06.07.2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned GA assisted by Mr. Soumyadeep Saha, learned counsel appearing for the respondents-State.

By way of filing the present writ petition, the petitioner has prayed for following reliefs:-

“I) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to regular the service of the Petitioners in Group-D posts on completion

of 10 years service as DRWs i.e. from 02.12.2022 respectively.

II) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the Memorandum, dated, 31.07.2018, issued by the Managing Director, TSECL.

III) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing and cancelling the Memorandum, dated, 29.05.2023, issued by the Managing Director(I/C), TSECL.

IV) Make the rules absolute.

V) Call for records.

VI) Pass any further Order/Orders as this Hon'ble High Court considered fit and proper."

It is the case of the petitioner that the petitioner was serving as DRW under TSECL since 1.12.1999. Thereafter, on completion of 10 years service as DRW, the petitioner made representations to her authority for regularization of her service. But those representations could not yield any result. Being aggrieved, the petitioner filed WP(C) No.1145 of 2016 before this Court. A Single Bench of this Court vide judgment and order dated 07.09.2017 disposed of the writ petition with the following directions:

"(a) The Chairman-cum-Managing Director (CMD) of the respondent No.2 shall constitute a committee with three senior most officers in the Corporation for inquiring into the status of the petitioners particularly to ascertain whether they were rendering their service per diem for that eight hours for the requisite period of regularisation. If it is found that the petitioners were rendering eight hours of service but they were paid wage for four hours, they shall be treated as full time DRWs.

(b) During the inquiry by the said Committee the petitioners shall be allowed the reasonable opportunity of laying down their case. The petitioner may place or may cause production of all the relevant records which are in their custody and which are not. If the petitioners are aware of some records laying in the custody of the respondents, they may apply for production of those records. The Committee shall remain obligated to consider all materials that would be placed by the petitioners for purpose of coming to inference.

(c) The Chairman-cum-Managing Director shall form the said Committee within a period of 30(thirty) days from the day when the petitioners shall submit the copy of this order. From the date of such constitution the Committee shall give their report to the Chairman cum Managing Director of the respondent No.2 within 2(two) months. On the basis of the report, the respondent No.2 may take appropriate action for regularisation of their service if the Committee was of the view that the petitioners were rendering service for eight hours per diem. The respondents No.2, 3 and 4 shall take action in terms of the report within 2(two) months from the date of receiving the same. If the petitioner are aggrieved by any action of said respondents in the regard they shall be at liberty to approach this court again and urge for the similar relief."

Thereafter, the petitioner filed contempt petition vide Cont.Cas(C) 59/2019 for non compliance of the judgment and order dated 07.09.2017 passed in WP(C) No.1145 of 2016. Finally, vide office order dated 27.07.2019 issued by the TSECL the petitioner was absorbed as DRW w.e.f. 01.12.2012.

It is the case of the petitioner that on completion of 10 years service as DRW w.e.f. 02.12.2012, the petitioner is entitled for regularization in Group-D post. Hence, the instant writ petition.

Ms. A. Debbarma, learned counsel for the petitioner has relied upon memorandums dated 01.09.2008(Annexure-6 to the writ petition):

21.01.2009(Annexure-7 to the writ petition) and 03.01.2014(Annexure-8 to the writ petition), wherein the Government of Tripura had taken policy decisions to regularize the services of DRWs/Casual/Contingent workers on the next date of completion of ten years of service. Ms. Debbarma, learned counsel for the petitioner has also relied upon a judgment passed by Hon'ble Supreme Court in *Secretary, State of Karnataka & Ors. vs. Uma Devi(3) & Ors* reported in (2006) 4 SCC 1, wherein the Hon'ble Supreme Court directed the concerned employer to frame scheme to regularize the employees who have completed 10 or more years of service as a one-time measure.

On the other hand, Mr. Bhattacharya, learned counsel appearing for the respondents-State has submitted that the said policies of the Government as mentioned by the learned counsel for the petitioner have already been repealed by the Government of Tripura in the year 2018 vide Memorandum dated 31.07.2018 and at present there is no policy to regularize the services of such DRWs/Casual/Contingent workers.

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

In my opinion, the petitioner has completed 10 years of service in the year 2022 when no scheme for regularization exists.

In the above conspectus, I find no merit in the present writ petition. However, the respondents may consider her prayer for regularization keeping in mind that the petitioner has rendered her valuable service as DRW for considerable period of time as against any vacant sanctioned post commensurate to her education qualification.

Accordingly, the instant writ petition stands dismissed in the above terms.

JUDGE