

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.454 of 2021

Smt. Sima Malakar,
W/O:-Sri Durgesh Malakar,
R/O:- Sakhaibari, Batpara,
P.O:-Sakhaibari, P.S:- Dharmanagar,
District-North Tripura,
Pin No.799251, Age:-40 years.

....Petitioner(s)

Versus

- 1. The State of Tripura**
Represented by its principal Secretary,
Finance Department,
Government of Tripura,
P.O:- Kunjaban, P.S:-New Capital Complex,
District:- West Tripura,
Pin No.799006
- 2. The Director**
Directorate of Treasury, Government of Tripura,
P.O:- Agartala, P.S:- West Tripura
District:- West Tripura,
Pin No.799001
- 3. The Joint Director,**
Directorate of Treasury, Government of Tripura,
P.O:- Agartala, P.S:- West Tripura
District:- West Tripura,
Pin No.799001
- 4. The Sub Treasury Officer,**
Sub Treasury Office, Government of Tripura,
P.O+P.S:- Dharmanagar, District:- North Tripura,
Pin:-799251

....Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

Date of hearing
and delivery of
judgment & order

:	22.05.2023
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Whether fit for reporting	:	No
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HON'BLE MR. JUSTICE ARINDAM LODH

Judgment and Order (Oral)

By means of filing the present writ petition, the petitioner has prayed for regularization of her service under the respondents.

2. I have heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

3. The case of the petitioner, in brief, is that, she entered into the service as contingent worker under the respondents since 01.04.2007. Under the scheme framed in the year 2009, according to the petitioner, she is entitled to be regularized in service in the post she holds.

4. Mr. Bhaumik, learned counsel for the petitioner has drawn my attention to a communication dated 27.11.2015(Annexure-1, pg-13 of the writ petition) wherein at serial no.4 her name appeared and she was designated as "contingent" and her joining date was shown as 01.04.2007.

5. Mr. Bhaumik, learned counsel has submitted that vide memorandum dated 21.01.2009, the Government of Tripura has formulated a scheme for regularization of contingent/casual/DRWs who completed 10 years of service. Mr. Bhaumik, learned counsel has further submitted that on the basis of the said scheme, the services of many contingent/casual/DRWs have been regularized but the case of the petitioner has not been considered till today though her service was ought

to have been regularized after completion of 10 years from the date of her engagement as contingent worker.

6. Mr. Bhaumik, learned counsel for the petitioner has drawn my attention to a judgment and order dated 16.03.2021 passed in a batch of writ appeals(Annexure-5 to the writ petition) wherein the Division Bench of this Court relying upon the judgments passed by learned Single Judge directed the respondents to consider the regularization of the petitioner of those writ petitions from which the writ appeals had arisen. The Division Bench of this Court held that the State cannot adopt a pick and choose policy while regularizing the services of such contingent/casual/DRWs.

7. In view of this, I direct the respondents to consider the matter of regularization of the petitioner, Smt. Sima Malakar in view of the judgment and order dated 16.03.2021 passed in WA No.163/2019 titled as *State of Tripura and Ors vs. Sri Praloy Goswami* along with other connected writ appeals.

The petitioner is given liberty to submit representation, if she so desires in support of her plea of regularization.

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

JUDGE

Snigdha