

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 464/2023

Smt. Jogamaya Das

----Petitioner(s)

Versus

The State of Tripura and 4 ors.

----Respondent(s)

For Petitioner(s)	:	Mr. A. Acharjee, Advocate
For Respondent(s)	:	Mr. D. Bhattacharjee, GA Mr. S. Saha, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

28/07/2023

Heard Mr. A. Acharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned GA assisted by Mr. S. Saha, learned counsel for the respondents.

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

- “(i) Admit the writ petition;**
- (ii) Call for the records;**
- (iii) Issue Writ in the nature of Mandamus calling upon the Respondents to show cause as to why the service of the petitioner should not be regularized and the Pay and allowances should not be paid with retrospective effect in pursuance of the Memorandum No. F.19(2)/FIN(G)/2008(Part)/275, dated 09.06.2009 issued by the Department of Finance, Government of Tripura;**
- (iv) Issue Writ in the nature of Mandamus calling upon the Respondents to show cause as to why service of the petitioner should not be regularized with effect from 01.07.2008 as enunciated in the Memorandum No. F.2(1)/TSECL/PSU/Estt-I/2015/21700 55 dated 05.08.2017 issued by the Director (FIN) & C.S. Corporate Office, TSECL, Agartala, Tripura (W), alongwith regular payment of Pay and allowances w.e.f. 01.07.2008 alike similarly situated persons and for the subsequent period of their services treating their services regularized with retrospective effect since 01.07.2008.**
- (v) Pass any further relief or reliefs as your Lordship may deem fit and proper”.**

The brief fact of the case, is that, the petitioner, is serving as Part Time Worker under the respondents from 05.04.2000. On completion of ten years service as Part Time Worker, the petitioner became entitled to be regularized in service pursuant to the memorandum dated 09.06.2009 issued by the respondents. Subsequently, vide memorandums dated 27.12.2010 and

02.04.2011, the respondent-TSECL had regularized the service of similarly situated persons, but till date the service of the petitioner had not been regularized. It is also the case of the petitioner that since he has completed ten years of service, so she is entitled to be regularized in the said post. Thereafter, on 12.07.2023, the petitioner has submitted representation before the respondents seeking regularization of his service in the said post but, till date no communication has been made to the petitioner by the respondents.

Mr. D. Bhattacharjee, learned GA, has submitted that the instant writ petition is absolutely barred by limitation and there is no explanation as to why the petitioner was sitting idle for the last 14 years. Learned GA has also submitted that the said policy decision taken by the Government issued vide memorandum dated 09.06.2009 has been repealed subsequently by the Government of Tripura in the year 2018.

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

In my opinion, the right of the petitioner was matured during existence of the policy vide memorandum dated 09.06.2009 when she had completed ten years of service as Part Time worker under the respondents-TSECL, but, she did not claim regularization within the realm of the Scheme prevalent before 2018.

In the light of above, the instant petition badly suffers from the established doctrine of delay and laches as after a lapse of more than 14 years, the petitioner suddenly woke up from the slumber and ventilated her grievance by filing the instant writ petition. For the last 14 years, the

petitioner preferred to sleep and she was not at all diligent in pursuing her case.

It is settled proposition of law that regularization or absorption is not a matter of right. It is a right which is to be considered by the respondents-Corporation and subject to availability of vacancy in the post, and other conditions of service.

I do not find any merit in this writ petition and the same deserves to be dismissed. Accordingly, the instant writ petition is dismissed.

However, the respondents may consider the case of the petitioner for regularization, if she is found suitable and eligible for such purpose.

JUDGE