

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 679/2022**

Sri Kartik Debnath

----Petitioner(s)

Versus

The State of Tripura and 4 ors.

----Respondent(s)

For Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For Respondent(s)	:	Mr. N. Majumder, Advocate
		Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

03/07/2023

Heard Mr. A. Bhaumik, learned counsel for the petitioner. Also heard Mr. N. Majumder, learned counsel appearing for the respondents-TSECL and Mr. D. Sarma, learned Additional GA appearing for the respondent-State.

The petitioner has claimed regularization of his service under the respondents. It is the case of the petitioner that he was engaged as Contingent worker since 15.12.2000, which is revealed from a communication dated 12.10.2012 issued by the Deputy General Manager, Electrical Division No. III, Agartala, West Tripura, addressed to the Deputy General (Corporation), TSECL, Agartala (Annexure 1 to the writ petition). From the "Contingent Bill" for the month of June, 2022, it is further revealed that the petitioner has been working as Contingent worker till today (Annexure 2 to the writ petition).

Mr. Bhaumik, learned counsel for the petitioner has relied upon a memorandum dated 21.01.2009 (Annexure 4 to the writ petition),

wherein the Government of Tripura had taken a policy decision to regularize the services of DRWs/Casual/Contingent workers on the next date of completion of ten years of service. During continuation of his service as Contingent worker for the last several years, the petitioner had submitted representation to regularize his service, but till today it has not been responded to. Hence, the petitioner has filed the present writ petition claiming regularization of his service.

Mr. N. Majumder, learned counsel appearing for the respondents-TSECL has submitted that the said policy vide memorandum dated 21.01.2009 has been repealed by the Government of Tripura in the year 2018. For this reason, 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 right of the petitioner was matured during existence of the policy vide memorandum dated 21.01.2009 when he had completed ten years of service as Contingent worker under the respondents-TSECL. But, he did not claim regularization within the realm of the Scheme prevalent before 2018. I have also taken into consideration the fact that neither in the pleadings nor in the submissions of learned counsel appearing for the parties, there is any mention that at present vacancy exists in the post of Group 'D' under the respondents-TSECL.

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. It is true that the petitioner has been serving the respondents for the last many years. But, even then, if this Court passes a blanket order of regularization in favour of a person who entered into service dehors the constitutional scheme, in that case, it would certainly exclude scores of eligible candidates from the State employment.

In view of this, the respondents may consider the regularization of the service of the petitioner as Group 'D' where he is working at present, if clear sanctioned vacancy under UR category in the post exists since the petitioner belongs to UR category, under any scheme of the government.

With the above observation and direction, the instant writ petition stands disposed.

JUDGE

SAIKAT
T KAR

Digitally signed
by SAIKAT KAR
Date: 2023.07.07
15:26:26 +05'30'

Saikat