

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. 201 of 2020

Smt. Uma Roy @ Uma Roy (Bhowmik), wife of late Makhan Lal Bhowmik, D/o late Amar chandra Roy, resident of Kalachari No. II, P.O. Manikbhandar, P.S. Kamalpur, District- Dhalai, Tripura, PIN-799287

----Appellant(s)

Versus

1. The State of Tripura, represented by the Secretary, Department of power, New Secretariat Complex, Khejurbagan, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura

2. The Principal Secretary, Department of Finance, New Secretariat Complex, Khejurbagan, P.O. Kunjaban-799006, P.S. New Capital Complex, District- West Tripura

3. The Tripura State Electricity Corporation Limited (A Government of Tripura Enterprise), represented by the Chairman-cum-Managing Director, Tripura State Electricity Corporation Limited, having its Head office at Bidhut Bhavan, North Banamalipur, Agartala, West Tripura, PIN-799001

4. The Chairman-cum-Managing Director, Tripura State Electricity Corporation Limited, Bidhut Bhavan, North Banamalipur, Agartala, West Tripura, PIN-799001

----Respondent(s)

For Appellant(s)	:	Mr. T.K. Chowdhury, Adv.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA Mr. N. Majumder, Advocate

Date of hearing & delivery of judgment : **19.01.2023**

Whether fit for reporting : **Yes / No**

HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

19/01/2023

(T. Amarnath Goud, ACJ)

This appeal has been filed by the original petitioner challenging the judgment of the learned Single Judge dated 29.07.2020 passed in WP(C) no.865 of 2017.

The grievance of the original petitioner was that she was engaged on a Part Time basis by the Tripura State Electricity Corporation in the year 1997. On 09.06.2009, the Finance Department of the Government of Tripura issued a Memorandum regularizing services of DRW and Casual Workers working in TSECL. On 07.11.2012, a fresh Memorandum was issued under which services of Part Time Workers, who had put in more than 10 years of service would be converted into Full Time basis. The grievance of the petitioner is that she has not been granted the benefit under either of these two schemes. Being aggrieved, the petitioner filed a writ petition being WP(C) 865 of 2017, and the said writ petition was disposed of by a learned Single Judge of this court observing that since the petitioner has not worked on full time basis for the intervening period, actual salary as a DRW shall be paid only prospectively and not for the past period. Challenging the said order, the present appeal has been filed.

Learned counsel for the appellant has submitted that since the appellant was performing her duties as DRW for 8 hours, her service should be regularized with retrospective effect. Learned counsel has relied upon the scheme dated 09.06.2009 issued by the Department of Finance, Government of Tripura to establish the duties of the appellant on Full Time Basis.

Learned counsel for the respondent-TSECL objecting the submission of learned counsel for the appellant has submitted that the appellant was discharging her duties only on Part Time basis i.e. for 2 hours only, and not on Full Time basis and thus, she is not entitled to be regularized. Learned counsel has further refuted the document establishing the petitioner's continuance engagement on full-time basis.

We have perused the relevant documents relating to the instant matter. After perusal of the same, it is aptly clear that the appellant was engaged as Part Time Worker in the year 1997 and her engagement as Part Time Worker was subsequently approved by the Finance Department, Government of Tripura. The petitioner had uninterruptedly performed her duties for two hours as part time worker. It is further clear that the scheme for regularizing Full Time Workers was framed in the year 2009 and subsequently in the year 2012, but, the appellant could not fulfill certain conditions with reference to the said schemes for treating her as Full time Worker. Further, the submission of learned counsel for the appellant cannot be taken as gospel truth unless the same is supported by evidence.

The learned Single Judge having examined all such aspects passed the impugned order. In the instant appeal, after hearing the learned counsel appearing for the parties and on perusal of the documentary evidence, we find no scope to allow the appeal.

As such, we are not inclined to interfere with the impugned order dated 09.07.2020, passed by the learned Single Judge in WP(C) No.865 of 2017. Accordingly, appeal is, therefore, dismissed.

JUDGE

CHIEF JUSTICE (ACTING)

Saikat

