

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.125 of 2023

Sri Badal Chakraborti

.....Appellant(s);

Versus

The State of Tripura & another

.....Respondent(s).

For Appellant(s) : Mr. C.S. Sinha, Advocate,
Mr. D.C. Roy, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

Order

20/12/2023

Heard Mr. C.S. Sinha, learned counsel for the appellant.

The learned Writ Court refused to entertain the writ petition seeking quashing of a reasoned order dated 07.09.2022 by which the claim of the petitioner for appointment as a Contingent Worker was rejected by the Director of Panchayats, Government of Tripura [Annexure-3] on the grounds that there are no vacant post of Contingent Worker/DRW and moreover petitioner is above 54 years of age. The findings of the learned Writ Court are extracted hereunder:

“The respondents examined the request of the petitioner and by order dated 07.09.2022 which is impugned herein, the request of the petitioner was rejected on 2(two) grounds:-

1) That presently there is no vacant post of Contingent Worker/DRW under the Directorate of Panchayats wherein the petitioner can be re-engaged as Contingent Worker/DRW.

2) The age of the petitioner is 54 years and accordingly, he has crossed the upper age limit for considering his case as the age limit is 40 in the case of UR Candidates and 45 in the case of ST/SC candidates and accordingly, he falls under disqualification.

The petitioner herein has challenged the said order. I have perused the impugned order. The impugned order suffers from no infirmity since the case of the petitioner has already been considered. There is no vacancy for the present and considering his case in the near future is also not possible since he has crossed the age limit. Hence, this Court finds no legal infirmities in the order passed and accordingly, the writ petition needs no indulges, and the same is dismissed.

As a sequel, stay if any stands vacated. Pending application(s), if any, also stands closed.”

Mr. C.S. Sinha, learned counsel for the appellant, relies upon certain information said to have been obtained under RTI from the office of State Public Information Officer, Directorate of Panchayats which is dated 02.09.2019. This information indicates the vacancies in Group-C posts (Direct & Promotion) in the Panchayat Department. It is submitted that the findings in the reasoned order are therefore wrong which the learned Writ Court has failed to appreciate. It is further submitted that there are certain stigmatic observations made in the reasoned order which may harm the petitioner.

Be that as it may, we find that the writ petition was filed in the year 2023 to challenge a reasoned order dated 07.09.2022 passed pursuant to the direction passed in another writ petition being WP(C) No.586/2021 directing the respondents to decide the representation. The information under RTI has no connection with the present claim of the petitioner since they are not only of the year 2019, but indicate the existence of vacancies in Group-C posts (Direct & Promotion) and not about vacancies for the post of Contingent Worker/DRW under the Directorate of Panchayats. Moreover, petitioner is over age i.e. above 54 years and therefore could not be taken in employment in the absence of any scheme. We, therefore, do not find any error in the impugned judgment.

This writ appeal is accordingly dismissed. Pending application(s), if any, shall stand disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ