

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 689 OF 2021

Sri Priti Ranjan Majumder Vrs. The State of Tripura & 3 Ors.

Present:

For the petitioner(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. D.J. Saha, Advocate.

For the respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR.JUSTICE ARINDAM LODH

29.05.2023

Order

Heard Mr. B.N. Majumder, learned senior counsel assisted by Mr. D.J. Saha, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents including the Finance Department, Govt. of Tripura.

The simple case of the petitioner is that he was engaged as DRW Part Time Worker under the respondents for 4(four) hours duty by way of successful appearance before the Interview Board on 03.02.2004. Under Memorandum dated 23rd May, 2014, the Govt. of Tripura requested all the Heads of the Departments to send details of such Part Time workers employed under them in a specified format for sending the same to the Finance Department by 16th June, 2014 with the approval of the Ministers of the department concerned. In compliance with the said Memorandum dated 23rd May, 2014, the Directorate of Bio Technology Department under the respondents had sent detailed information to the Secretary, Finance Department, Govt. of Tripura vide Communication dated 13.06.2014 [Annexure-5 to the writ petition] recommending the name of the petitioner in the specified format. But, till today it has not been addressed to. The

petitioner had submitted repeated representations, but, those also were not considered compelling the petitioner to file the present writ petition.

The plea of the respondents taken against the contentions made by the petitioner is that the Finance Department had not concurred/approved the recommendation for regularization of his service as DRW from Part-time DRW. It is an admitted position that the petitioner has been serving for a considerable period of time under the Directorate of Bio Technology after receipt of the Memorandum dated 23rd May, 2014 wherein the Govt. of Tripura had taken a policy decision to regularize the services of the Part Time DRWs and Daily Rated Workers(DRWs) working under various departments of Govt. of Tripura. Accordingly, from the Communication dated 13.06.2014 (supra) it is evident that the Directorate of Bio Technology had recommended the name of the petitioner for regularization as Daily Rated Worker with the approval of the Minister concerned. So, it is not the case here that the petitioner entered into service as Part Time DRW [4 hours] through backdoor. He was engaged by way of facing duly constituted Selection Committee. While the petitioner has been in service, his name was sent to the Finance Department by the Head of the Department in terms of the policy taken by the Govt. of Tripura, vide Memorandum dated 23rd May, 2014. This policy decision was taken by the Govt. of Tripura to regularize the services of Part-time DRWs like the petitioner as Daily Rated Workers and a specific time frame had been mentioned in the Memorandum for approval of the Finance Department.

In view of this, the refusal of the Finance Department to approve the recommendation made by the Directorate of Bio Technology, according to this court is illegal and arbitrary and contrary to the object and spirit of Memorandum dated 23rd May, 2014, issued by the Govt. of Tripura.

In the light of above, I direct the respondents, especially, the Finance Department, Govt. of Tripura to consider its approval for regularization of the service of the petitioner as Daily Rated Worker. The entire process shall be completed within a period of 2(two) months from the date of receipt of a copy of this order.

With the aforesaid terms, the instant writ petition stands allowed and disposed.

JUDGE

sanjay

