

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.742 of 2022

Smt. Swapna Debnath

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s)	:	Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. D.C. Saha, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

19/12/2023

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D.C. Saha, learned counsel appearing for the respondents-State.

It is the case of the petitioner that she was first appointed as Casual Worker under the respondents in the year 1992. She was declared as Sericulture Permanent Labourer(for short, SPL) w.e.f. 14.11.2011 and till today she has been discharging her duties as SPL. It is further stated that in view of the memorandum dated 12.08.2014 issued by the Finance Department, Government of Tripura her service as Permanent Labourer ought to have been regularized after completion of 7(seven) years as Farm Worker. The petitioner completed her 7(seven) years of service on 15.11.2018, but till today her service has not been regularized as Farm Worker. So, the petitioner has approached this Court for appropriate directions.

Mr. Saha, learned counsel for the respondents-State has drawn my attention to a memorandum dated 13.11.2019, wherein a policy decision on regularization of services of Permanent Labourer in the post of Farm Worker has been taken. After review of the matter, the policy makers having considered different aspects as regards institutional efficiency and individual productivity has decided to repeal the memorandum dated 12.08.2014.

The petitioner has approached this Court in the year 2021. It is submitted by Ms. Debbarma, learned counsel for the petitioner that the claim

of the petitioner was matured in the year 2018 after completion of 15 years of her service.

In my opinion, the petitioner should have approached this Court during the existence of the scheme of 12.08.2014. It is clear that vide memorandum dated 13.11.2019 the scheme is repealed. It is settled proposition of law that claim for regularization is not a matter of right but it is a right to be considered by the employer. There is no evidence that the petitioner entered into service through normal rules of public employment. Even then, the petitioner was appointed as SPL under order dated 11.11.2011 issued by Director, Handloom, Handicrafts and Sericulture Department. It is not clear from the writ petition that whether there is any sanctioned vacant post/s of Farm Worker exists at present or not. It is settled that regularization has to be made against a sanctioned vacant post. Unless and until there is vacant post, in my opinion, the Court cannot pass a blanket order of regularization against a non-existent post.

Ms. Debbarma, learned counsel for the petitioner has submitted that there exists sanctioned vacant post of Farm Worker.

In the light of above, it is directed that the respondents may consider the regularization of the petitioner subject to availability of sanctioned vacant post of Farm Workers at present under the Directorate of Handloom, Handicrafts and Sericulture Department in compliance of the Recruitment Rule.

With the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE

Snigdha

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GHOSH

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