

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.708 of 2021

1. Sri Surujit Das [aged about 32 yrs]

S/o Bishu Ranjan Das,
Village Aralia, PO: Jogendranagar
PS: East Agartala, Dist: West Agartala
Pin 799004

2. Sri Tapas Debnath [aged about 33 yrs]

S/o Late Gouranga Debnath
Village+P.O. Ranters Colony, P.S. East Agartala,
Agartala, Dist: West Tripura, Pin:799004

3. Tapas Deb [aged about 35 yrs]

S/o, Pradip Deb, Village + PO-Jogendranagar,
Agartala, PS-East Agartala,
Dist: West Tripura, Pin 799004

4. Anil Chandra Bhowmik, [aged about 47 yrs]

S/o Shital Ch Bhowmik, Village + PO-Sonamura,
Bejimara, PS-Sonamura, Dist Sepahijala,
Pin-799131.

5. Bappi Karmakar, [aged about 35 yrs]

S/o Amar Chan Karmakar, Village- Purba para,
Bishalgarh, PO-&PS Bishalgarh, PIN: 799102.

6. Bibash Paul, [aged about 32 yrs]

S/o Jyoti Paul, village+PO & PS- Panisagar
Dist: North Tripura, PIN-799260

7. Bimal Das, [aged about 48 yrs]

S/o late Lal mohan Das, Village Jatan Bari,
PO-Gomati Project, PS-Jatanbari,
Dist: Gomuti Tripura.

8. Chandrashekhar Majumder, [aged about 37 yrs]

S/o Dilip Kumar Majumder, Village, PO & PS-
Boxanagar, Dist-Sepahijala, PIN-799102

9. Dipak Das, [aged about 46 yrs]

S/o Manindra Das, Village Kalibazar,
PO & PS-Shantir Bazar, Dist-South Tripura,
Pin-799144.

10. Jhantu Chandra Das, [aged about 37 yrs]

S/o Paresh Chandra Das,
Village- Town Sankar Palli, PO & PS- Amar pur,
Dist-South Tripura, Pin 799101.

11. Madhab Das, [aged about 47 yrs]

S/o Manoranjan Das, Village Dharmanagar,
PO & PS-Teliamura, Dist-Khowai Tripura,
Pin 799205.

12. Raju Shil, [aged about 33 yrs]

S/O Subhash Shil
Village+PO: Madhyabhuban,
PS-West Agartala,
Dist: West Tripura Pin 799002.

13. Ratan Banik, [aged about 33 yrs]

S/o Haradhan Banik,
Village GB 79 tilla, PO: Kunjaban, PS: NCC,
Dist: West Tripura, Pin 799006

14. Rabindra Dey, [aged about 30 yrs]

S/o Amulya Chandra Dey,
Village 2 no Fulkumari, Drop Gate,
PS-RK Pur, Dist-Gomati, Pin-799120

15. Rahul Chakraborty, [aged about 30 yrs]

S/o Anil Chakraborty, Village Khayerpur old
Agartala, PS-Old Agartala, Dist: West Tripura
Pin: 799008.

16. Rahit Barua, [aged about 35 yrs]

S/o Rabikanta Barua,
Village: Sree Rampur, PO & PS- Kanchanpur,
Dist: North Tripura, Pin: 79927.

17. Bapan Chakraborty, [aged about 31 yrs]

S/O Dayel Chakraborty,
Village+PO: Lembuchara, PS: Lefunga, Dist:
West Tripura, Pin: 799210.

18. Alauddin Mia, [aged about 34 yrs]

S/o late Malu Mia,
Village: Jagatpur, Indranagar Acharjee para,
PO: Abhoynagar, PS-NCC, Dist: West Tripura,
PIN-799010,

19. Sankhajit Biswas, [aged about 35 yrs]

S/O Sajal Biswas,
Village: West Taranagar,
PO: Mohanpur, PS: Sidhi Mohanpur,
Dist: West Tripura, Pin: 799211.

20. Saran Debbarma, [aged about 36 yrs]

S/o late Rabia Debbarma,
Village Badhia Para, PO-Takur joy para, PS-
Radhapur, Dist: west Tripura, Pin: 799045.

21. Brajagopal Sharma, [aged about 35 yrs]

S/o Madhan Sharma,
Village: Vivakanandanagar, PO & PS: Ambasa,
Dist: Dhali Tripura, Pin: 799289.

22. Sankari Karmakar, [aged about 37 yrs]

W/o Pradip Karmakar,
Village+PO & PS- Natun Bazaar,
Dist: South Tripura Pin: 799104

23. Susanta Sen, [aged about 37 yrs]

S/o Haradhan Sen,
Village: Sripur, PO: Hrishyumok,
PS: Belonia, Dist: South Tripura, Pin: 799156.

24. Kuldip Debbarma, [aged about 34 yrs]

S/o-Satish Debbarma,
Village: Datta Para, PO-Ranibazar
Dist-West Tripura, Pin-799045

25. Bidyot Debbarma, [aged about 27 yrs]

S/o Dasharath Debbarma,
Village: Jirania, PO-Birendrnagar
PS-Jrianaia, Dist-West Tripura, Pin: 799045.

26. Pintu Das, [aged about 29 yrs]

S/o Manindra Das,
Village & PO: Khilpara Dist South Tripura,
Pin 799116

27. Mithan Das, [aged about 38 yrs]

S/o Lt. Arjun Das,
Village: Subhash Nagar, PS & PO-Manu Bazar,
Dist: South Tripura, Pin 799143.

28. Litan Debnath, [aged about 27 yrs]

S/o Subrath Debnath,
Village & PO-Tulamura, PS: Kakraban,
Dist-South Tripura, Pin-799105.

29. Narauttam Das, [aged about 32 yrs]

S/o Nagender Das,
Village Bidhainagar, PO & PS-Rani Bazar,
Dist-West Tripura, Pin 799055.

30. Bappi Debnath, [aged about 31 yrs]

S/o Dulal Debnath,
Village RaniBazar Assam Para,
PO & PS-Rani Bazar, Dist. West Tripura,
Pin 799035.

31. Sanjoy Das, [aged about 43 yrs]

S/o-Birendra Ch Das,
Village-Rajarbag, PO & PS-Udaipur,
Dist South Tripura, Pin 799120.

32. Nitai Bbhowmik, [aged about 40 yrs]

S/O Ratan Chandra Bhowmik,
Village-Surendranagar, PO & PS-Kakraban,
Dist: South Tripura, Pin: 799105.

33. Pintu Banik, [aged about 34 yrs]

S/O Sukumar Banik,
Village: Gouranga Tilla, PO & PS: Teliamura,
Dist: Khowai Tripura.

34. Basudeb Dhar, [aged about 44 yrs]

S/O Dulal Dhar,
Village+PO: West charak Bari,
PS-Baikhara, Santir Bazar,
Dist: South Tripura, Pin: 799142.

35. Dilip Dey, [aged about 34 yrs]

S/o late Lalit Mohan Dey,
Village, PO & PS-Balonia.
Dist: South Tripura.

36. Papu Debbarma, [aged about 34 yrs]

S/o-Shahi Mohan Debbarma,
Vill-South Kachuchara,
PO & PS-Kachuchara,
Dist-Dhalai Tripura, PIN-799278.

37. Sourav Paul, [aged about 34 yrs]

S/o-Kajol Paul,
W-01, East Chandanimura
Ramnagar, Agartala, West Tripura,
PIN-799002.

38. Jharna Debbarma, [aged about 41 yrs]

D/o-Dhirmani Debbarma,
Krishnanagar, Thakur palli Road,
PO-Agartala, PS-East Agartala,
West Tripura, PIN- 799001

39. Lalitlawhova, [aged about 36 yrs]

S/o-Lalchungnunga, of Vanmun,
Jampui Hill, North Tripura, 799269.

....Petitioner(s)

Versus

1. The Union of India,

Ministry of Finance, Represented by its Secretary,
NIRMAN BHAVAN, New Delhi-110011.

2. Punjab National Bank,

Represented by its Executive Director (HR),
Plot No.4, Sector-10, Dwarka,
New Delhi-110075.

3. Punjab National Bank, Regional Office,
Represented by its Chief Regional Manager
Durgabari Road, Agartala West Tripura, 799001.

....Respondent(s)

For the Petitioner(s)	:	Mr. P.K. Pal, Advocate Mr. S. Datta, Advocate
For the Respondent(s)	:	Mr. A. Roy Barman, Advocate Mr. S. Datta Gupta, Advocate

Date of hearing and
delivery of
judgment & order : **19/04/2023**

Whether fit for reporting : **No**

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment and Order (Oral)

Heard Mr. P.K. Pal and Mr. S. Datta, learned counsel appearing for the petitioners. Also heard Mr. A. Roy Barman and Mr. S. Datta Gupta, learned counsel appearing for the respondents-Bank.

2. By means of filing the present writ petition, the petitioners have prayed for regularization of their services.

3. It is the case of the petitioners that they have been rendering service to the Bank-respondents for the last several years and some of the petitioners were engaged as Badly Sweepers in the year 1994, but, till today their services have not been considered for regularization. The petitioners have approached this Court by way of filing the present writ petition claiming regularization of their services as Badly Sweepers.

4. Mr. Roy Barman, learned counsel for the respondents-Bank would contend that the services of the petitioners are not required at all. They are not engaged in regular basis. They render their services on the days as and when required. After amalgamation of United Bank of India and Punjab National Bank, the authorities concerned after assigning the

financial constraints of the bank felt it necessary that the services of such huge number of “Badly Sweepers” are not required at all.

5. Mr. Pal, learned counsel for the petitioners has pressed into service a judgment of the Hon’ble Supreme Court of India in the case of ***K.C. Rajeevan & 15 Ors vs. State of Kerela & 2 Ors, (1991) 1 SCC 28*** and has submitted that the petitioners have the right to claim their regularization as ‘Badly Sweepers’.

6. I have perused the said judgment. It appears that there is specific rule for regularization under the concerned establishment. Clause (e) of Rule 9 specifically provides for regularization of service of any person appointed under Clause (i) of Sub-rule (a) if he had completed continuous service of 2(two) years on December, 1973 notwithstanding anything contained in the rules. In that circumstance, the Hon’ble Supreme Court held that this is a clear indication that in the past the government also considered it just and fair to regularize the services of those who had in continuous service for 2 years prior to the cut-off date.

On the facts of the instant case, this judgment is not at all applicable for the reason that in the given facts there is no such rule or scheme exists under the bank-respondent.

7. It is settled proposition of law that regularization of services of an employee is not a matter of right, but, it is a right to be considered. The authorities concerned are the best persons to decide whether the services of the present petitioners are at all required or not considering their financial position.

8. Mr. Roy Barman, learned counsel appearing for the bank emphatically submits that the bank has been suffering from serious financial constraints and there is no scheme prevailing in the bank to regularize the ‘Badly Sweepers’.

9. This Court has given thoughtful consideration to facts of the case as well as the submission of learned counsel appearing for the parties. It

appears that the petitioners have been rendering their services as ‘Badly Sweepers’, though, not regularly, but, for a long period of time.

10. In view of this, an endeavour may be taken by the bank-respondents to consider the claim of regularization of the petitioners sympathetically within a reasonable period of time, if the bank requires the services of ‘Badly Sweepers’.

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

Pending application(s), if any, also stands disposed.

JUDGE



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