

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.761 of 2021

1. Sri Narayan Ghosh [aged about 41 yrs]

S/o Nitya Nanda Ghosh,
Ward No.-15, P.S.-Kailashahar, P.O.-Kirtantali,
Dist: Unokoti, Tripura, Pin 799279

2. Sri Debasish Malakar [aged about 41 yrs]

S/o Dinesh Chandra Malakar,
Vill., P.O. & P.S.-Kailashahar, Dist: Unokoti,
Tripura, Pin 799277

.....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 the petitioner no.1 has been rendering service to the bank w.e.f. 10.08.2010 and petitioner no.2 has been rendering service to the bank w.e.f. 01.09.2006, 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

Snigdha

