

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.825 of 2022

Smt. Lila Malakar, Age-59 years

W/o: Pabitra Malakar

R/o: Vill: Netajinagar, P.O & P.S: Kanchanpur,

Dist: North Tripura, 799270

....Petitioner(s)

Versus

1. The State of Tripura

To be represented by Secretary,
Information Cultural Affairs & Tourism Govt
of Tripura, New Secretariat Building, New
Capital Complex, Kunjaban, P.S: New
Capital Complex, Agartala, West Tripura,
PIN: 799010.

2. The Secretary

Department of Finance, Govt of Tripura,
New Secretariat Building, New Capital Complex,
Kunjaban, P.S: New Capital Complex,
Agartala, West Tripura, PIN: 799010.

3. The Director,

Information and Cultural Affairs,
Govt of Tripura, Agartala, Tripura(W)

4. The Deputy Director,

District ICA Office, North Tripura, Kailashar

5. The Information and Cultural Officer,

Sub-Divisional Information and Cultural Affairs Office,
Kanchanpur, North Tripura

6. The Zonal Development Officer,

North Zone, TTAADC, Machmara, Unokoti, Tripura.

7. Tripura Tribal Area Autonomous District Council

To be represented by the Chief Executive Officer,
TTAADC, Tripura West

8. The Executive Officer,

TTAADC, Khwumlung, Tripura West

....Respondent(s)

For the Petitioner(s)	:	Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. D. Bhattacharya, GA Mr. M. Debbarma, Addl. GA Mr. B. Debbarma, Advocate
Date of hearing and delivery of judgment & order	:	24.05.2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned GA assisted by Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State and Mr. B. Debbarma, learned counsel appearing for the respondents-TTAADC.

2. The fact of the case is that the petitioner was first engaged as casual worker under the respondents in the year 1998. Since then she has been discharging her duties and responsibilities as casual worker. The Government of Tripura had introduced a scheme in the year 2009 in pursuance of the judgment passed by the Hon'ble Supreme Court in the case of *Secretary, State of Karnataka & Ors. vs. Uma Devi & Ors* reported in (2006) 4 SCC 1 directing the State Governments to frame a scheme for consideration of regularization of those irregularly appointed employees. According to that scheme, the employees who had completed

10(ten) years of service as on 31.03.2008, their services for regularization would be considered. The petitioner had completed 10(ten) years before the said cut-off date.

3. According to Ms. Debbarma, learned counsel appearing for the petitioner, since the petitioner was not considered for regularization after the introduction of the scheme of 2009, she submitted a representation to the authority concerned for consideration of her regularization, but, it was not responded to by the respondents. The petitioner again submitted another representation on 07.09.2017 for consideration of regularization of her service. Having found no response, the petitioner has filed the instant writ petition on 19.09.2022.

4. Ms. Debbarma, learned counsel for the petitioner has further submitted that since the service of the petitioner has been utilized by the respondents for such a long period, the respondents should have considered the regularization of the service of the petitioner. Ultimately, Ms. Debbarma, learned counsel has submitted that the petitioner deserves to be regularized in the post where she is serving at present. The academic qualification of the petitioner is Class VIII passed.

5. Opposing the submissions of learned counsel for the petitioner, Mr. Bhattacharya, learned GA has contended that the instant writ petition is absolutely barred by the principles of delay and laches. The right of the petitioner to claim regularization got matured in the year

2008, when the scheme was introduced for regularization in view of the decision of the Hon'ble Supreme Court in *Uma Devi & Ors(supra)*. The petitioner submitted representation in the year 2010 for consideration of her regularization. Thereafter, she preferred to keep silent and suddenly she submitted another representation in the year 2017. That representation also was not responded by the respondents. In the meantime, the scheme of 2009 had been repealed by the Government of Tripura and till today no new scheme has been introduced. The petitioner has filed the present writ petition only in the year 2022.

6. Learned GA has further submitted that now the minimum educational qualification prescribed for filling up of a Group-D post is Class X pass and there is no post for a person who has not passed Class X.

7. I have considered the submissions of learned counsel appearing for the parties. I find force in the submission of learned GA that the instant writ petition is absolutely barred by the doctrine of delay and laches. It is the duty of the employee or citizens to agitate his/her grievance within a reasonable period of time and that reasonable period of time should be 3(three) years. The petitioner in the instant writ petition is found all along negligent. Being her right for regularization was matured in the year 2008, but not regularized till 2018, she lost her right to agitate her grievance at such belated stage.

8. Moreso, at this stage, the scheme for regularization of irregularly appointed employees has been repealed since 2018. After such repeal, the petitioner has filed the instant writ petition in the year 2022, i.e., after a lapse of 4(four) years.

In view of this, according to me, the claim of the petitioner has become stale and in the result, I find no merit in the instant writ petition as it is absolutely barred by the doctrine of delay and laches. However, the respondents may consider her representation taking into account the fact that she has been serving the State for the last 25 years as a Group-D employee.

In this backdrop, the instant writ petition stands disposed.

JUDGE



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