

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 1003/2022**

Smt. Malina Das -----Petitioner(s)
Versus
The State of Tripura and 4 ors. -----Respondent(s)

For Petitioner(s)	:	Ms. A. Debbarma, Advocate
For Respondent(s)	:	Mr. N. Majumder, Advocate Mr. D. Sarma, Addl. GA

**HON'BLE MR. JUSTICE ARINDAM LODH
Order**

03/07/2023

Heard Ms. A. Debbarma, learned counsel for the petitioner. Also heard Mr. N. Majumder, learned counsel appearing for the respondents-TSECL and Mr. D. Sarma, learned Additional GA appearing for the respondent-State.

The petitioner has claimed regularization of her service under the respondents. It is the case of the petitioner that she was engaged as Contingent worker since 01.01.1992, which is revealed from a communication dated 17.08.2013 issued by the Deputy General Manager, Electrical Division No. XI, Rabindranagar, Sonamura, Sepahijala District, addressed to the Deputy General (Corporation), TSECL, Agartala (Annexure 3 to the writ petition). From the certificate issued by the Senior Manager, Electrical Sub-Division, Nalchar, Sepahijala, it is further revealed that the petitioner has been working as Contingent worker till today (Annexure 6 to the writ petition).

Ms. A. Debbarma, learned counsel for the petitioner has relied upon a memorandum dated 01.09.2008 (Annexure 12 to the writ petition), wherein the Government of Tripura had taken a policy decision to regularize the services of DRWs/Casual/Contingent workers on the next date of completion of ten years of service. During continuation of her service as Contingent worker for the last several years, the petitioner has submitted representation to regularize her service, but till today it has not been addressed to. Hence, the petitioner has filed the present writ petition claiming regularization of her service, which comes within the purview of the policy decision dated 01.09.2008. Learned counsel for the petitioner has also submitted that services of similarly situated persons have already been regularized.

Mr. N. Majumder, learned counsel appearing for the respondents-TSECL has submitted that the said policy vide memorandum dated 01.09.2008 has been repealed by the Government of Tripura in the year 2018. For this reason, at present there is no policy to regularize the services of such DRWs/Casual/Contingent workers.

I have considered the submissions of learned counsel appearing for the parties.

In my opinion, the right of the petitioner was accrued during existence of the policy decision of the Government of Tripura vide memorandum dated 01.09.2008 when she had completed ten years of service as Contingent worker under the respondents-TSECL. I have also taken into

consideration the fact that neither in the pleadings nor in the submissions of learned counsel appearing for the parties that at present there is vacant post of Group 'D' under the respondents-TSECL.

It is settled proposition of law that regularization or absorption is not a matter of right. It is a right which is to be considered by the respondents-Corporation.

In view of this, I direct the respondents to consider the regularization of the service of the petitioner as Group 'D' where she is working at present within a period of 3 (three) months from today, if vacancy in the post exists.

With the observation and direction, the instant writ petition stands disposed.

JUDGE

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