

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.15/2023

Sri Biswa Biswas

..... Appellant(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

Along with

W.A. No.16/2023

Sri Premjit Singha

..... Appellant(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Appellant(s)

: Mr. Arijit Bhaumik, Advocate,
Mr. S. Dey, Advocate.

For Respondent(s)

: Mr. Kohinoor N Bhattacharyya, G.A.,
Mr. Rajib Saha, Advocate,
Ms. Kahina Reang, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

17/05/2024

Heard Mr. Arijit Bhaumik, learned counsel for the petitioners/
appellants and Mr. Rajib Saha, learned counsel appearing for the respondents-
State.

2. The impugned order by which the claim for regularization of the
petitioners/appellants or grant of minimum basic pay scale has been disposed of
reads as under :

"Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner.
Also heard Mr. R. Saha, learned counsel appearing for the respondents.

It is the case of the petitioner that though he was engaged as casual
Cleaner in the year 2010 but, the service of the petitioner was not considered

to be regularized. However, by filing the instant writ petition, the petitioner claimed minimum basic pay-scale, as applicable to the post of Cleaner.

The service of the petitioner is purely casual in nature. He entered into service without following the established norms of employment.

As such, this is not a fit case to allow the prayer of the petitioner asking the respondents-State to grant minimum basic pay-scale in favour of the petitioner.

Accordingly, the instant writ petition stands dismissed. However, the petitioner may file representation to the appropriate authority, and such representation, if so filed, may be disposed of in accordance with law.

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

Both the writ petitions from which the instant appeals arise have been disposed of in similar manner.

3. It is not in dispute that petitioners were engaged as casual Cleaner in the year 2010 but before they could complete 10 years of engagement, the regularization scheme itself was abolished by a notification dated 01.08.2018 issued by the General Administration Department, Government of Tripura. The learned Writ Court, therefore, refused to allow the first prayer. In respect of the second prayer, the learned Writ Court also observed that it is not a fit case to allow the prayer of the petitioners for minimum basic pay scale. However, it has granted liberty to the petitioners to file a representation before the appropriate authority so far as the claim for minimum basic pay scale is concerned.

4. Learned counsel for the petitioners/appellants submits that if the department is in need of the services of the petitioners over a period of time of more than 10 years and that they are also discharging duties similar to those who are holding permanent posts, they should be granted a minimum scale of pay of the equivalent permanent substantive post of which petitioners are being made to discharge duties on a casual basis.

5. Learned counsel for the respondents-State submits that the learned Writ Court has already granted liberty to the petitioners to make such a representation with an observation that the concerned authority would consider it in accordance with law. Therefore, no more indulgence is required in the matter.

6. On consideration of the rival submission of the parties, we also agree with the view taken by the learned Writ Court on the first prayer of the petitioners for regularization of their services as the regularization scheme is no longer in existence. However, if the respondents have been taking work from the petitioners on the post of a Cleaner for more than 10 years by now, they should consider the representations of the petitioners for grant of minimum scale of pay of such equivalent permanent post in the establishment in accordance with law within a reasonable time, preferably 12 (twelve) weeks from the date of receipt of copy of this order.

With this observation, the instant two appeals are disposed of.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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