

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 280 OF 2024

Sri Subhas Paul, s/o Lt. Janardhan Paul,
Vill. Kameswar, P.O. Kameswar, P.S. Dharmanagar,
District-North Tripura, PIN-799253.

.....**Petitioner.**

Vs.

- 1. The State of Tripura**, represented by the Secretary-cum-Commissioner, Rural Development Department, New Secretariat Complex, Khejur Bagan, P.O. Kunjaban, P.S. New Capital Complex, District-West Tripura, Pin-799 006.
- 2. The Project Director**, DRDA of Kailashahar, P.O. Kailashahar, Dist.-North Tripura.
- 3. The Chief Executive Officer**, DRDA, North (District Magistrate & Collector) of Kailashahar, P.O. Kailashahar, Dist.-North Tripura.
- 4. The Chairman**, DRDA, Uttar Tripura Zilla Parishad of Kailashahar, P.O. Kailashahar, Dist. North Tripura.
- 5. Uttar Tripura Zilla Parishad** of Dharmanagar, P.O. Dharmanagar, Dist. North Tripura.

..... **Respondents.**

For the petitioner : Mr. Arjun Acharjee, Advocate.

For the respondents : Mr. Karnajit De, Addl. G.A.

Date of hearing and : **27.08.2024.**
date of delivery of :
judgment & Order

Whether fit for :
reporting : Yes/No

HON'BLE MR.JUSTICE ARINDAM LODH
Judgment & Order (Oral)

By means of filing the instant writ petition, the petitioner has
prayed for a direction upon the respondents to upgrade his service status from

Part Time Worker (PTW) to Daily Rated Worker (DRW) with financial benefits.

2. I have heard Mr. Arjun Acharjee, learned counsel appearing for the petitioner as well as Mr. Karnajit De, learned Addl. G.A. appearing for the State-respondents.

3. I have also perused the records. From a Note dated 12th August, 2009, it appears that the petitioner was engaged by a 'Sabhadhipati', Uttar Tripura Zilla Parishad, Kailashahar, North Tripura. Later on, by different correspondences, the remuneration of the petitioner was sanctioned by the Finance Department of the State. The petitioner has submitted several representations for up-gradation of his service status from PTW to DRW. It is stated in the writ petition that he was expecting that his service status from PTW to DRW would be upgraded, but, ultimately he found that his service status would not be upgraded compelling him to file the instant writ petition before this Court.

4. After consideration of the submissions advanced by learned counsel appearing for the parties, in my opinion, the petitioner was engaged by the 'Zilla Sabhadhipati' on her personal capacity as well as her own choice and whims. It is one kind of private contract. In view of this, in my considered view, the petitioner does not hold any civil post. As such he has no *locus* to invite the discretionary and extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. The remedy of the petitioner lies elsewhere i.e. he may approach the Civil Court for performance of the contract which he had with the said 'Zilla Sabhadhipati'. The State is not in any way involved with such engagement of the petitioner.

5. In the light of above and as I have already held that the petitioner does not hold any civil post, this Court refrains itself from exercising its jurisdiction under Article 226 of the Constitution of India and accordingly, the instant writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE

SANJAY GHOSH  Digitally signed by SANJAY GHOSH
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