

**HIGH COURT OF TRIPURA
AGARTALA**

WA 65 of 2022

Sri Uttam Debnath

---Appellant(s)

Versus

The State of Tripura and Ors.

---Respondent(s)

For Appellant(s)	: Mr. P Roy Barman, Sr. Advocate. Ms. A. Debbarma, Advocate.
For Respondent(s)	: Mr. K. De, Addl. GA. Mr. N. Majumder, Advocate.
Date of hearing and date of judgment and order	: 27.02.2024
Whether fit for reporting	: No

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgment & Order (Oral)

(T.Amarnath Goud, J)

The present appeal is filed under Article 226 of the Constitution of India read with Chapter VA Rule 2(2) of the Gauhati High Court Rules, as applicable, against the Judgment & Order dated 12.04.2021 passed by the learned Single Judge in WP(C) 1263 of 2019.

[2] The brief fact of the case is that the petitioner-appellant serving under the respondents filed WP(C) 1263 of 2019 seeking necessary direction upon the respondents for regularization of his service in a Group-C post, w.e.f. the date on which the appellant has completed 10 years service since his joining as DRW on 17.12.1997 with all ancillary, consequential and financial benefits. It is further contended that the wage bills of the appellant established the status of the appellant and the fact that the appellant was serving as DRW Group C is established from the official records. It is further contended that the Enquiry Committee did not consider the records and in the Counter affidavit nothing has been disclosed to establish that enquiry committee took official record into consideration.

[3] Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner-appellant as well as Mr. K. De, learned Addl. G.A. appearing for the State-respondents and Mr. N. Majumder, learned counsel for the respondents no. 2 to 4.

[4] Mr. P Roy Barman, learned Sr. counsel appearing for the petitioner-appellant submits that the learned Single Judge did not consider the official record which have not been disputed by the respondents. It clearly established that the status of the appellant as DRW, Group-C. It is also submitted that the learned Single Judge did not consider that the wage bills submitted by the appellants are not disputed by the respondents. From those bills, it is clearly established that from March, 2007 till August, 2019 the appellant had been paid wages as DRW, Group-C.

[5] During the course of the argument, Mr. K. De, learned Addl.GA has drawn our attention to the impugned judgment dated 12.04.2021, specifically to the para-5 where the learned Single Judge had the occasion to observe as under:

“[5] On the previous date, this Court had directed Mr. Roy Barman, learned senior counsel for the petitioner to ask the petitioner to appear before the Court with his original engagement letter, but, today itself, the petitioner though appeared before this Court but not with the original copy of the engagement letter. From the photocopy it transpires that “4 hours” duty has been erased and the designation as „PTW”, has been interpolated as „DRW”. The copy, which has been produced before the Court by the petitioner itself reveals that it is manipulated and manifests overwriting.”

[6] To deal with the case, it is also apparent to extract herein below the office order dated 17.12.1997:

No.F.6(17)-CEE-87/Pt-II/4375-78
Government of Tripura
Department of Power
Office of the Chief Engineer (Electrical)
Tripura : Agartala

Dated, Agartala, the 17th Dec./97.

OFFICE ORDER

The engagement of the following P.T.W. in the office shown against his name have been approved by the Finance Department vide their U.O No.1345/FIN(C)/97 dated 17.1.97 for the fixed hours per day show as below. His wages at the prescribed rate of the Government may be paid from the date of actual agreement.

SL. Name of Designation	Duty Hours.	Place of posting
1. Sri Uttam Debnath, S/o Sri Atul Ch. Debnath Vill: Assampara, Ranirbazar	4 hours	SDO(*) Elect. Sub- Divn. Jirania under E.E(S) – III, Agt. <i>*illegible</i>

Chief Engineer (Electrical)
Tripura, Agartala.

[7] Having perused the entire record placed before this court, we are of the opinion that the appellant has not approached this court with clean hands. A fair reading of the office order (engagement letter dated 17.12.1997) it is apparent that the appellant was engaged as PTW. In the copy filed by the appellant ‘four hours’ duty is missing. An adverse inference of tampering of records has to be drawn. The same has been noted by the learned Single Judge in para 5 of the impugned judgment dated 12.04.2021. The appellant has failed to make out his case. Hence, the appeal is liable to be dismissed.

[8] Accordingly, the judgment and order of the Hon’ble learned Single Judge dated 12.04.2021 passed in WP(C) No.1263 of 2019 is confirmed and the instant appeal stands dismissed.

[9] As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

JUDGE

Dipak