

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.294 of 2023

Sadhan Paul and 8 Ors.

....Petitioner(s)

Versus

The State of Tripura and 5 Ors.

....Respondent(s)

For Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For respondent(s)	:	Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

29/01/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents-State.

It is the case of the petitioners that they were first appointed as Driver, Group-C and Cleaner, Group-D on casual basis under the Food, Civil Supplies and Consumer Affairs Department, Government of Tripura.

By an order dated 29.09.2016 issued by the Addl. Secretary FCS & CA, Government of Tripura, it was decided to regularize the services of the petitioners and accordingly, they were given regular scale of pay. Since then, they are rendering their services.

In the year 2023, they have presented the instant writ petition stating *inter alia* that they were supposed to be regularized after completion of 10 years of service which they have completed on different dates, as mentioned in Column-5 of the order dated 29.09.2016(Annexure-2 to the writ petition) and therefore, they have prayed for granting arrears of regular pay scale on their completion of ten years of service from the dates of their joining in services as casual Driver/Cleaner.

It is found that the petitioners entered into service most illegally and arbitrarily without following the norms of public employment as enshrined under Article 14 and 16 of the Constitution of India.

As per direction of the Apex Court in *State of Karnataka vs. Uma Devi (3) and Ors.*, reported in (2006) 4 SCC 1, Government of Tripura had decided to regularize the services of irregularly appointed employees.

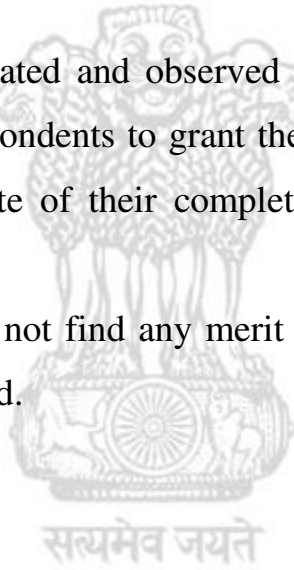
In the instant case, it is found that when the petitioners were appointed, there were no sanctioned posts. There was no vacancy also. In spite of that the petitioners were engaged on casual basis at the influence of some of the officers.

In view of this, the nature of appointment of the petitioners is not only irregular but illegal also. However, since the Government itself had regularized their services w.e.f. 29.09.2016 they may continue in service accordingly.

Another aspect is that the instant petition is badly barred by delay and laches. It is evident that the petitioners had completed 10 years of service before issuance of the office order for regularization of their service which was made on 29.09.2016. They have filed the instant writ petition in the year 2023. They have slept for many years and suddenly woke up from the slumber. In view of this, they are not entitled to get any arrears of regular pay scale.

For the reasons stated and observed hereinabove, I do not find any ground to direct the respondents to grant them arrears of regular pay scales with effect from the date of their completion of 10 years of services as casual Driver/Cleaner.

Accordingly, I do not find any merit in the present writ petition and the same stands dismissed.



JUDGE