

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01 of 2024 in W.A. No.56 of 2024
W.A. No.56 of 2024**

Sri Abhijit Das & Ors.

.....Appellant-Applicant(s)

V E R S U S

The State of Tripura & Ors.

..... Respondent(s)

For Appellant-Applicants(s)	:	Mr. P. Roy Barman, Sr. Adv. Mr. S. Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, GA

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

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02.07.2024

We have heard learned counsel for the appellant-applicants and the State-respondents on the prayer for condonation of delay of 137 days in preferring the appeal through I.A. No.01 of 2024.

Learned senior counsel for the writ petitioners submits that since the case of the present appellants is covered by the judgment rendered by this Court in Writ Appeal No.32 of 2024 dated 23rd April, 2024 in respect of one of the writ petitioners i.e. in W.P.(C) No.383 of 2022, the delay may be condoned and the appeal may be disposed of in similar manners.

Learned counsel for the State does not dispute the factual position that these present appellants were also writ petitioners in the impugned judgment dated 11th December, 2023 passed in W.P.(C) No.383 of 2022.

Having regard to the communality of facts and the case of the parties, we are inclined to condone the delay on being satisfied to the explanations urged and accordingly, the I.A. is disposed of.

We find from the records that these appellants along with another Sri Asis Debnath, appellant in W.A. No.32 of 2024 have approached this Court for regularization of the services and for pay parity or rather minimum scale of pay with regularly situated employees. The Writ Court had refused to grant relief. However, on consideration of the submission of the learned counsel for the parties, this Court had disposed of the said writ appeal in the following manner:

“We have considered the submission of the learned counsel appearing for the parties and gone through the impugned judgment as well. It is true that the regularization scheme has been repealed on 31st July, 2018 by the State of Tripura but if the writ petitioners have been engaged on daily rated basis or contractual basis against sanctioned vacant post of drivers and have been continued for more than 10 years by now since their engagement in 2011, the petitioners’ case for minimum scale of pay requires consideration at the level of the competent authority. The writ petitioners have not entered through the regular recruitment process by way of an advertisement but have continued to discharge the duties as drivers for more than 10 years on the wages of a daily rated employee. As such, we are inclined to direct the respondents authority to consider the claim of the writ petitioners for minimum scale of pay to the writ petitioners on the post they are working. The writ petitioners are at liberty to make a representation within 2[two] weeks along with supporting documents. The competent authority under the respondents would consider the claim of the writ petitioners in accordance with law on such prayer within a period of 12 weeks from the date of receipt of the copy of such representation along with a copy of this order.

The instant appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.”

Since the case of the appellants is on identical footing as that of Sri Asis Debnath, appellant in W.A. No.32 of 2024, the present appeal is also disposed of on same lines. The impugned judgment of the learned Single Judge stands interfered to the above extent.

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

(S.D PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

SUJAY GHOSH

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