

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 442 of 2023

Sri Rathindranath Ghosh

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner (s)	:	Ms. A. Debbarma, Advocate.
For Respondent(s)	:	Mr. N. Majumder, Advocate.
		Mr. B. Majumder, CGC.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

09.09.2024

Heard learned counsel for the parties.

[2] This is a writ petition under Article 226 of the Constitution of India for seeking the following relief(s)

- (i) *Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing and cancelling the letter, dated, 30.11.2022, the Managing Director (Finance), by which it was made known to the Petitioner, that, his EPF contribution @ 12% of pay will start from the month of 1.11.2022.*
- (ii) *Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to take the Petitioner's contribution to the EPF from 21.07.2013, ie the date from which the service of the Petitioner was regularized.*
- (iii) *Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondent no: 2 & 3 to contribute to the Petitioner's Provident Fund and Pension Fund under the Act, 1952 w.e.f., 21.07.2013, i.e., from the date on which the service of the Petitioner was regularized.*
- (iv) *Make the rules absolute.*
- (v) *Call for records.*
- (vi) *Pass any further Order/Orders as this Hon'ble High Court considered fit and proper.*

[3] It is the case of the petitioner that the petitioner filed this writ petition to accept the contribution of the petitioner to the Provident Fund, w.e.f. 21.07.2013 i.e. from the date on which the service of the petitioner was regularized as per the Order of

this Court. The petitioner was selected by the Mohanpur Panchayat Samity to act as the Meter Reader on temporary basis under the Mohanpur Electrical Sub-Division as would be evident from the letter 14.07.2003 issued by the Executive Officer (B.D.O) Sadar North Block, Mohanpur to the Assistant Engineer, Mohanpur Electrical Sub-Division Mohanpur, West Tripura. Being so engaged, the petitioner joined as Meter Reader unit under the SDO, Electrical, Mohanpur on 21.07.2003 by submitting joining report.

[4] On completion of 10 years of service, the petitioner submitted representation dated 28.10.2015 to the Chairman-cum-Managing Director. TSECL seeking regularization of service on completion of 10 years service as DRW w.e.f 15-07-2003 and the said representation was subsequently forwarded by the Senior Manager (Electrical), Mohanpur Electrical Sub-Division by letter, dated 30.10.2015 to the Deputy General Manager, TSECL for necessary action. But most arbitrarily and unreasoningly the service of the petitioner had not been regularized by the respondents.

[5] It is seen from the record that the petitioner has submitted two representations dated 05.12.2022 and 01.05.2023 before the respondents and none of the respondents have been acted upon till date.

[6] In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the representation dated 05.12.2022 and 01.05.2023 in accordance with law within a period of two months from the date of receipt of copy of this order.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak