

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_

WA No.230 of 2021
Connected with
WA. No.231 of 2021
WA. No.232 of 2021
WA. No.233 of 2021
WA. No.234 of 2021
WA. No.235 of 2021
WA. No.236 of 2021
WA. No.237 of 2021
WA. No.238 of 2021
WA. No.239 of 2021
WA. No.240 of 2021
WA. No.241 of 2021

For Appellant(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. K. Nath, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

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

F_I_N_A_L_O_R_D_E_R_

27.02.2024

Heard.

All these writ appeals are consolidated for disposal by a common judgment as an identical controversy wades through these writ appeals.

The facts in brief are that the appellants have approached this Court by filing these appeals challenging the Judgment and order dated 12.04.2021 passed in W.P (C) No. 953/2019 and other batch matters by the learned Single Judge. The appellants were initially engaged as DRW and since they are discharging 8 hours duty in a day. The appellants were discharging 8 hours duty in a day as Daily Rated Worker but the designation of the appellants were suddenly changed from as Daily Rated Worker to Part Time Worker.

The appellants completed 10 years of service as full time employee, but the appellants were not regularized on completion of 10 years of service as full time Daily Rated Worker. Instead of regularizing the appellants, the appellants were erroneously treated as Part Time Worker and thereafter reengaged as DRW w.e.f 01.12.2012. Whereas the appellants were a full time DRWs since inception and was entitled to be regularized on completion of 10 years as full time worker as per the memo dated 21/01/2009 issued by the Finance Department, Government of Tripura. The executive engineer, Kanchanpur Division, North Tripura also issued names and particulars of Daily Rated Worker who are working for 8 hours and in the said statement it is shown

that the appellants were engaged as DRW since 1980. The appellants also collected some attendance register and in the said attendance register also the said persons are shown as DRW. The attendance register of the month of August, 2020 was already on record of the learned Single Judge but the learned Single Judge failed to appreciate the appellants were engaged on 01.01.1980 as DRW and all through the appellants were rendering full time duty but, subsequently the name of the appellants were wrongly recorded as PTW by the Respondents.

The appellants had been serving for 8 hours a day, i.e. rendering full time duty continuously since inception and hence the appellants are fully covered by the policy decision engraved in the memorandum dated 21.01.2009 and were entitled to be regularized in service after completion of 10 years of service as full time DRW. The learned Single Judge failed to appreciate that along with the appellants there were 4 irregularly appointments were made. The Respondents have also obtained pick and choose policy so far regularization is concerned and isolated few for regularization.

Hence, the appellants have preferred the present appeals before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, this Court is of the view that the litigation which has been decided there is no impugned order or cause of action and as such, liberty is given to the appellants to represent before the concerned respondent for fresh adjudication and place all relevant materials for consideration and on receipt of such representation, the respondent shall consider the same in accordance with law within a period of three months from the date of receipt of such representation.

It is needless to observe that if the appellants are not satisfied with the orders that would be passed by the concerned respondent on their representation, they are free to challenge the same before the appropriate forum and principle of *res judicata* will not attract.

In that view of the matter, the present appeals are disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

ANJAN
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