

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01 of 2023 in WA No.132 of 2023
WA No.132 of 2023**

Sri Uttam Paul

..... Applicant/Appellant(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Applicant/Appellant(s) : Mr. A. Bhaumik, Advocate.
Mr. S. Dey, Advocate.

For Respondent(s) : Mr. D. Sarma, Addl. G.A.
Mr. N. Majumder, Advocate.
Mr. B. Paul, Advocate.

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

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06/02/2024

I.A. No.01 of 2023 in WA No.132 of 2023

Heard Mr. S. Dey, learned counsel for the writ petitioner/appellant and Mr. N. Majumder, learned counsel for the Tripura State Electricity Corporation Limited and also Mr. D. Sarma, learned Addl. G.A. appearing for the respondent-State.

Petitioner's claim for regularization of his service under the Regularization scheme dated 21.01.2009 has been declined by the learned Writ Court on the ground of delay and laches as he has ventilated his grievances after several years. Moreover, the scheme of regularization has been abolished by the Government of Tripura in the year 2018 itself. Petitioner was engaged as a Part Time worker since 01.02.1996 and according to him he completed 10 (ten) years' of service in 2006. As such, he should have been regularized in service as a DRW.

Learned counsel for the petitioner submits that other similarly situated person has been regularized in service pursuant to the order dated 26.04.2022 passed in WP(C) No.846 of 2021. Petitioner's case may, therefore, be sympathetically considered. He has been working at least eight hours a day since his engagement as a Part Time worker.

The appeal suffers from a delay of 42 days for condonation of which I.A. No.01 of 2023 has been preferred.

Learned counsel for the TSECL submits that there is no scheme for regularization prevalent as the regularization scheme of 2009 has been repealed by the Government of Tripura in the year 2018. As such, any claim for regularization has become stale. Therefore, the appeal has no merit.

We have considered the submission of learned counsel for the parties.

Delay being minor is condoned upon hearing learned counsel for the parties.

I.A. No.01 of 2023 stands disposed of.

WA No.132 of 2023

However, on perusal of the records and going through the impugned judgment, we are of the considered view that no claim for regularization of service of the petitioner could have been allowed in the absence of the regularization scheme as the existing scheme of 2009 stood already repealed in 2018 whereas the petitioner approached the Writ Court in 2023 only. Any comparison to the case of other person would also fall foul as petitioner has approached the Writ Court after a long delay of several years. Therefore, the Writ Court found that the case suffers from gross delay and

laches. Finding no infirmity in the impugned judgment, the appeal stands dismissed.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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