

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.771 of 2022

Sri Chayan Roy

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. K. Nath, Advocate
For the Respondent(s)	:	Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

16/02/2024

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. GA appearing for the respondents-State.

The case of the petitioner is that he was first appointed as Daily Rated Worker(for short, DRW) under the respondents on 07.03.2003. He was declared as Permanent Labourer on 01.01.2007. The petitioner relying upon the memorandum dated 12.08.2014(*Annexure-4* to the writ petition) has claimed that he is entitled to get absorbed in the post of Farm Worker. The said memorandum is reproduced here-in-below:

*“No. F. 10 (2)-FIN (G)/2008(PART)
GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT*

Dated, Agartala the 12th August, 2014.

MEMORANDUM

Sub: Reduction of minimum length of service required for regularization of Permanent Labourer in the post of Farm Worker from existing 10(ten) years to 7(seven) years.

Some Department had engaged Casual Workers, Daily Rated Workers in the past. As per existing circular of the State Government, such workers have to be absorbed as Permanent labourers before regularizing them as Farm Workers after 10(ten) years of continuous service. But it is seen that a large number of such workers have already served more than 10(ten) years of service before absorption as Permanent Labourers. Therefore, such workers shall have to wait for

another 10(ten) long years for getting their service regularized as Farm Worker which may ultimately hamper pensionary benefits.

In view of the above mentioned facts, it has been decided to prescribe the minimum length of service as Permanent labourer from the existing 10(ten) years to 7(seven) years for eligibility to be absorbed as Farm Workers, provided a Permanent Labourer should complete total service of at least 15 years including the service length as Casual Workers, Daily Rated Workers etc. and subject to the condition that after regularization as farm Workers, such workers shall continue to do the same job in addition to any other job given by the Controlling Officer and the said posts from which such Farm Workers were inducted shall stand abolished.

The concerned Department may approach the Council of Ministers with comprehensive proposals for regularization of such permanent Labourers who had served minimum period of 15 years including the service period as Casual Workers or Daily Rated Workers of which at least 7(seven) years service length should be as Permanent Labourers.

*-Sd illegible
(M. Sengupta)*

Under Secretary to the Government of Tripura."

On bare perusal of the said memorandum dated 12.08.2014 it comes to light that a Permanent Worker on completion of at least 15 years of service including his service as Casual Worker, DRW, etc. would be entitled to get absorbed as Farm Worker provided that such Permanent Labourer shall complete at least 7(seven) years of service as Permanent Labourer.

According to the petitioner, he is covered by the memorandum dated 12.08.2014 and the concerned authority has set a list of Permanent Labourers to the competent authority for the purpose of absorption of such Permanent Labourers including the petitioner to the post of Farm Worker(Annexure-R/6 to the counter affidavit).

Though, many Permanent Labourers have been absorbed under the respondents to the post of Farm Worker, the name of the petitioner has not been considered by the respondents. Hence, the petitioner has filed this writ petition.

Mr. Sarma, learned Addl. GA for the respondents-State has controverted the submissions of learned senior counsel for the petitioner in

respect of the fact that the petitioner has completed 15 years of service as per under memorandum dated 12.08.2014. Learned Addl. GA has further submitted that when the petitioner had entered into the service he did not attain the age of 18 years, the minimum age of entry into the government service. Added to it, Mr. Sarma, learned Addl. GA has submitted that memorandum dated 12.08.2014 has been repealed by the memorandum dated 13.11.2019(*Annexure-R/3* to the counter affidavit).

In the light of above facts, Mr. Sarma, learned Addl. GA has prayed for dismissing the present writ petition.

I have considered the submissions of learned counsel appearing for the parties.

Indubitably, it is seen from the records that when the petitioner entered into the service, he had not attained the age of 18 years, the minimum age for entering into the service.

However, in the backdrop of above facts, I remit the matter back to the authority concerned to consider the case of the petitioner in the light of the memorandums dated 12.08.2014, 13.11.2019 and to examine whether the petitioner is entitled to be absorbed as Farm Worker under the respondents.

The above consideration should be made within 8(eight) weeks from the date of receipt of the copy of this order.

With the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE

Snigdha

SANJAY GHOSH
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