

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.140 of 2023

The State of Tripura & others

.....Appellant(s);

Versus

Sri Priti Ranjan Majumder

.....Respondent(s).

For Appellant(s) : Mr. M. Debbarma, Addl. G.A.

For Respondent(s) : None.

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

Order

06/02/2024

Heard Mr. M. Debbarma, learned Additional Government Advocate
for the appellants-State.

2. The appellants-State is aggrieved by the impugned order dated 29.05.2023 passed by the learned Writ Court in WP(C) No.689/2021. Mr. Debbarma, learned Additional Government Advocate submits that the simple case of the petitioner/respondent herein as pleaded in the writ petition (copy of which has been annexed to the memo of appeal) was for consideration of his case for engagement as a Daily Rated Worker (DRW) on the basis of his claim that he had been discharging his duties honestly as DRW Part Time Worker (4 hours a day) under the Department of Science, Technology & Environment, Government of Tripura from 20.02.2004 for more than 10 years.

3. It is pointed out by learned Additional Government Advocate that after taking note of the stand of the parties, the learned Writ Court held the memorandum dated 23.05.2014 issued by the Finance Department, Government of Tripura on the subject of regularization of services of DRWs who have completed 10 years of continuous service as well as conversion of part time workers who have completed 10 years of continuous service as DRW as illegal and arbitrary.

That memorandum is at Annexure-4 [page 32 to the writ appeal]. A perusal thereof indicates that Secretaries of all departments were requested to compile relevant details separately in respect of such DRWs and part time workers in enclosed Formats I & II to the Finance Department by 16.06.2014 with the approval of the minister of the department concerned. In case no information was received by the stipulated date, it would be presumed that no such worker was engaged by the department.

4. Mr. Debbarma, learned Additional Government Advocate submits that the information regarding DRW Part Time Workers (4 hours a day) was sent on 13.06.2014 by the Directorate of Bio Technology under the Department of Science, Technology & Environment, Government of Tripura under which the petitioner/respondent herein was working. Taking note of these facts, the learned Writ Court directed the respondents, specially the Finance Department, to consider its approval for regularization of the service of the petitioner as DRW. However, it is submitted that conversion of a DRW Part Time Worker (4 hours a day) as a DRW is not a regularization in service. The expression “regularization” of the service of the petitioner/respondent herein as DRW has led to some misgivings in the minds of the authorities and, therefore, they have approached this Court in appeal.

5. We have considered the submission of learned Additional Government Advocate for the appellants-State and taken note of the relevant documents placed from record and also gone through the impugned order.

It appears that pursuant to the memorandum dated 23.05.2014 as referred to hereinabove [Annexure-4], details in Formats regarding Part Time Worker, Group-D (4 hours a day) was sent by the Directorate of Bio Technology, Department of Science, Technology & Environment on 13.06.2014 that was

within the stipulated period 16.06.2014. The writ petitioner seems to have assailed this memorandum dated 23.05.2014 which was not in the nature of a concurrence or refusal to concur to any proposal. It was a direction to the concerned Secretaries to send the details of DRW Part Time Workers and DRWs in proper Format with the approval of the concerned department. The learned Writ Court, however observing that the memorandum is arbitrary and illegal, proceeded to direct the respondents to consider its approval for regularization of the service of the petitioner as DRW. It, therefore, appears on the basis of the admitted facts that the petitioner was working as a DRW Part Time Worker, the recommendation sent by the parent department i.e. Department of Science, Technology & Environment, Government of Tripura was to be considered for approval of his engagement as a DRW. The respondent-authorities of the State/appellants herein, therefore, seem to bear a misconception as to the expression “regularization”. This, in any case, has to be understood in the manner in which conversion of DRW Part Time Workers (4 hours a day) to DRW is done under the policy of the government. Therefore, we do not find any reason to interfere in the impugned order. It is open for the department to take a decision in accordance with law.

6. The instant writ appeal stands disposed of. Pending application(s), if any, shall also stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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