

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.152 of 2023

Smt. Chhanda Nath & others Appellant(s);
Versus
The State of Tripura & others Respondent(s).

WA No.153 of 2023

Smt. Swapna Sinha & another Appellant(s);
Versus
The State of Tripura & others Respondent(s).

WA No.154 of 2023

Shri Biplap Acherjee & others Appellant(s);
Versus
The State of Tripura & others Respondent(s).

For Appellant(s) : Mr. C.S. Sinha, Advocate.

For Respondent(s) : Mr. K.N. Bhattacharyya, G.A.,
Mrs. Riya Chakraborty, Advocate.

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

Order

26/03/2024

Heard Mr. C.S. Sinha, learned counsel for the appellants and Mr. K.N. Bhattacharyya, learned Government Advocate for the respondents-State.

2. All these appeals are being taken up and disposed of by this common order since they raise identical issues. The issue at hand is called out in the order dated 20.02.2024 passed in WA No.153/2023 and WA No.154/2023 which is extracted hereunder to avoid repetition:

“Let WA No.154 of 2023 be tagged along with WA No.153 of 2023 as they both relate to the same issue. The appellants in both these cases [WA No.153 of 2023 and WA No.154 of 2023] are aggrieved by the common impugned judgment rendered in their respective writ petitions i.e. WP(C) No.437 of 2020 and WP(C) No.804 of 2020. The learned Writ Court has directed the

respondents to regularize the services of the petitioners on the post of Folk Artist, Group-C but w.e.f. the date of the judgment i.e. 04.06.2021.

The writ petitioners have preferred this appeal on the ground that their regularization ought to have been given effect from the date of the cabinet decision i.e. 15.12.2007 and moreover since one similarly situated employee Smt. Gita Das has been regularized by order dated 03.02.2020 issued by the Additional Secretary, Information and Cultural Affairs, Government of Tripura w.e.f. the date of regularization to regular post.

It is submitted by Mr. C.S. Sinha, learned counsel for the writ petitioners that there is no apparent distinction between the case of Smt. Gita Das and the present writ petitioners as all these persons had together approached the Court initially in WP(C) No.161 of 2009, WP(C) No.163 of 2009, WP(C) No. 164 of 2009, WP(C) No.165 of 2009 and WP(C) No.300 of 2009. By order dated 21.09.2015, their petitions were allowed with a liberty to file representation before the competent authority. Since, the representations remained unattended, Smt. Gita Das approached this Court once again in WP(C) No.1028 of 2018 which was disposed of on 14.03.2019 directing the respondents to consider her claim for regularization within a specified period. Thereafter, Smt. Gita Das was regularized by memorandum dated 03.02.2020 bearing No.F.1(49)-ICAT/07/Estt./5636-5643.

The respondents did not take a decision upon the pending representations of the writ petitioners and therefore these petitioners were again compelled to approach this Court by filing the writ petitions in the year 2020. There was hardly a gap in approaching this Court after Smt. Gita Das was granted relief which the petitioners were also agitating together with her. The learned Writ Court, however, on this occasion has directed the order of regularization to be effective from the date of the judgment which would create an artificial distinction between similarly situated employees and that too when the respondents have themselves regularized Smt. Gita Das from the due date on the post of Folk Artist, Group-C.

Mr. Kohinoor N Bhattacharya, learned Government Advocate for the State seeks time to obtain instruction on this issue.

Let the matters [WA No.153 of 2023 along with WA No.154 of 2023] be listed on **18.03.2024**.”

3. Mr. Kohinoor N. Bhattacharyya, learned Government Advocate appearing for the respondents-State, submits that as per his instruction, the claim of the appellants is under active consideration. Therefore, if the writ appeals are disposed of, the respondent-authorities would take a decision on their claim in accordance with law in a time bound manner.
4. Mr. C.S. Sinha, learned counsel for the appellants, agrees to the submission.
5. As it appears from the order dated 20.02.2024 extracted above and from the pleadings placed on record, that these appellants have a grievance only

in relation to the date from which their regularization is to take effect. The learned Writ Court in their instance has made it prospective from the date of the judgment whereas according to them, though there is no apparent distinction between their case with that of Smt. Gita Das, all of whom had approached the learned Writ Court first time in the year 2009, Gita Das has been regularized vide office memorandum dated 03.02.2020 from the due date whereas these writ petitioners/appellants herein had been directed to be regularized from the date of the judgment. The date of the judgment is 04.06.2021. Therefore, an unnecessary discrimination would result in the case of similarly situated persons. However, since after the first date, the respondents appear to be actively considering the claim of the writ petitioners/appellants herein, we deem it proper to direct them to take a decision in accordance with law on this issue of effective date of the regularization of these appellants within a reasonable time preferably 4(four) months from the date of receipt of copy of this order.

6. The appeals are accordingly disposed of. Let it be made clear that we have not commented upon the merits of the cases of individual appellants.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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