

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.809 of 2024

Gour Chand Deb and 2 Others

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura and 4 Others

.....Respondents

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.
For Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. P. Gautam, Sr. GA..

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

03.04.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents to protect the service of the petitioners by absorbing them in the posts of Attendant, Group-D/Chowkidar, instead of Sweeper in NESTS in terms of the MoU dated 23.03.2020 and guideline dated 05.06.2024 issued by the Joint Commissioner, NESTS.

[3] The petitioners have prayed for the following reliefs:

“(i) Issue Rule upon the Respondent to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the Respondents to protect the service of the Petitioners by absorbing them in the posts of Attendant, Group-D/ Chowkidar, instead of Sweeper in NESTS in terms of the MoU, dated, 23.03.2020 and Guideline, dated, 05.06.2024, issued by the Joint Commissioner, NESTS.

(ii) Make the rules absolute.

(iii) Call for records.”

[4] The petitioners were appointed as Attendant, Group-D under Tripura Tribal Welfare Residential Educational Institutions Society, in short TTWREIS. On 23.03.2020, memorandum of understanding (MoU) has been entered in between TTWREIS and NESTS. One of the terms and conditions of the MoU, is that, all the existing employees of TTWREIS after implementation of NESTS will be absorbed into NESTS, maintaining their original position. For effective implementation of the object of NESTS guideline has been formulated by the Joint Commissioner, NESTS on 05.06.2024 for absorption of employees of TTWREIS.

[5] The petitioners were appointed through fair and transparent selection process against regularly created sanctioned vacant post of Attendant. But the names of the petitioners are being contemplated to be absorbed in the post of sweeper instead of chowkidar. Similar situated employees like the petitioners were absorbed in the post of chowkidar, which is identical post of Attendant but the petitioners were left out. The petitioners were accustomed with the duties and responsibilities of Attendant/Chowkidar. The petitioners submitted representation, before the respondents, against their contemplated absorption in the post of Sweeper, but till date the representation of the petitioners has been unattended by the respondents.

[6] Hence, the present petition has been preferred by the petitioners before this Court for redress.

[7] In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is disposed of by directing the respondents to consider the representation dated 25.11.2024 submitted by the petitioners before the respondent, in accordance with law as early as possible preferably within a period of three months from the date of the receipt of the copy of this order. Accordingly, the same is ordered.

[8] As such, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

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