

THE HIGH COURT OF TRIPURA
AGARTALA

W.A. 68 of 2014

Smt. Anita Rani Das @ Anita Bala Das,
W/O – Lt. Bhuvan Mohan Das,
R/O. Vill. – Batheka.
P.O & P.S. – Kalyanpur,
District – Khowai Tripura.

..... *Appellant*

- Vs. -

1. The State of Tripura,
Represented by its Secretary to the Director of
Panchayat, Government of Tripura,
P.O. – Kunjaban, P.S. – Kunjaban Out Post,
Agartala, West Tripura.
2. The Director,
Directorate of Panchayat,
Government of Tripura,
P.O. – Agartala, P.S. – West Agartala,
District – West Tripura.
3. The Block Development Officer,
Kalyanpur R.D. Block,
P.O. & P.S. – Kalyanpur,
District – Khowai Tripura.
4. The Secretary Cum Commissioner to the
Department of Finance,
Government of Tripura,
P.O. – Kunjaban, P.S. – Kunjaban Outpost,
District – West Tripura.

..... *Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the appellant : Mr. A. Bhowmik, Advocate.

For the respondents : Mr. S. Chakraborty, Addl. GA.

Date of hearing & delivery of Judgment & order : 25.02.2015.

Whether fit for reporting : No

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

The grievance of the appellant is that she should have been regularized as a Group-C employee and not as a Group-D employee.

2. The undisputed facts are that the petitioner joined as a Group-D employee in the year 1990. No doubt, she was with the concurrence of the Finance Department appointed as Group-C employee, but that was done in the year 2004. The State has a policy whereby the contingent employees are considered for regularization on completion of 15 years of service. The grievance of the petitioner is that she should have been confirmed as a Group-C employee and not as a Group-D employee. The learned Single Judge did not interfere with the decision, but remanded the matter back to the State to consider it a fresh. Again a fresh decision has been taken rejecting the prayer of the petitioner.

3. It has been contended by Mr. A. Bhowmik, learned counsel that since the petitioner is working as a Group-C employee she should have been regularized as such. He also contends that

she has been working as a Group-C employee with the concurrence of the Finance Department and therefore, she should be regularized.

4. We are not at all in agreement with this submission. The petitioner joined as a contingent based Group-D employee. She has not undergone any process of selection for being selected to Group-C. This Court is aware that there are thousands if not more educated unemployed youth looking for such jobs. The petitioner, who somehow had managed to get a job as a Group-D employee has also been accommodated in Group-C, but this is on contingent basis. Her case for consideration against Group-C can only be taken up for regularization once she completes 15 years service in Group-C. Her Group-D service cannot be combined for regularizing her in Group-C. If the petitioner does not want regularization in Group-D and wants to work in Group-C then she may give up her regularization, wait for 15 years from 2004 for her regularization in Group-C in the year 2019 in which case she takes the risk that if her contingent employment is set aside at any time she may or may not get relief of regularization. It is for the petitioner to decide whether she wants to retain her regularization in Group-D or wants to continue to work in Group-C as a contingent based employee. She may do so within 15 days.

5. We find no merit in this appeal, which is accordingly dismissed.

JUDGE

CHIEF JUSTICE

sima