

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 237 of 2015

Sri Keshab Das,
son of Sri Bishu Das,
care of Dr. Sunil Kanti Dhar,
of Kadamtali, Advisor Chowmuhani Road,
Krishnanagar, P.O. Agartala,
P.S. West Agartala,
District : West Tripura

.....Petitioner

- V e r s u s -

1. The State of Tripura,
represented by the Secretary-Cum-
Commissioner, Department of Agriculture,
Government of Tripura, Agartala,
P.O. Kunjaban, Pin - 799006
2. The Director,
Department of Agriculture,
Government of Tripura, Krishi Bhavan,
P.O. Agartala, District : West Tripura,
Pin - 799001
3. The Project Director,
Agriculture Technology Management Agency,
Gurkhabasti, P.O. Kunjaban,
Pin - 799006, District : West Tripura
4. The Deputy Director of Agriculture,
Department of Agriculture,
Government of Tripura, Krishi Bhavan,
P.O. Agartala, District : West Tripura,
Pin - 799001

.....Respondents

**BEFORE
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner	: Mr. K. Roy, Advocate
For the respondents	: Mr. S. Chakraborty, Addl. G.A.
Date of hearing, judgment & order	: 14.10.2015
Whether fit for reporting	: No

JUDGMENT & ORDER (ORAL)

Heard Mr. K. Roy, learned counsel appearing for the petitioner as well as Mr. S. Chakraborty, learned Addl. G.A. appearing for the state-respondents.

2. It appears from the communication dated 28.07.2012, address to the Director of Agriculture, Government of Tripura, by the Deputy Director of Agriculture, West Tripura, Agartala that the petitioner has been working as the Voucher-paid casual labour in the project called Agriculture Technology Management Agency (ATMA in short).

3. According to Mr. K. Roy, learned counsel appearing for the petitioner, the petitioner has been discharging his duties and responsibilities to the entire satisfaction of the competent authorities. It transpires from the representation dated 23.07.2014 that even the petitioner had applied for

engagement as the part-time worker. Now having referred to the memorandum dated 19.12.2012 of the Finance Department, Government of Tripura (Annexure 8 to the writ petition) the petitioner has approached this court for directing the respondents to absorb him as the permanent labour in the department or to give him any employment commensurate to his qualification and for continuance in the service as stated.

4. It surfaces further that on advancing the said demand, the petitioner issued one demand notice both to the Director of Agriculture, Government of Tripura and the Project Director, Agriculture Technology Management Agency.

5. The Project Director, the respondent No.2 herein, by his reply dated 16.04.2015 has stated that the petitioner's prayer is under consideration. The respondent No.2 again communicated to the petitioner by the letter dated 11.06.2015 (Annexure 10 to the writ petition) which reads as under :

"In continuation of letter number under reference the undersigned would like to draw your kind attention to the Memorandum issued from the Finance Department vide No. F.34(6)-FIN(G)/2012 dated 16th December 2012 regarding engagement of Part Time Workers for 2 hours/3 hours/4 hours and Daily Rated Workers wherein it is clearly clarified that "person engaged on contract or lump sum payment as a Part Time or Full Time Worker in Project or Works or Centrally Sponsored Scheme like MGNREGA, SSA, RSVY, ICDS, NRHM, TSC etc. shall not come under the purview of the process. " As such the application of your client Sri Keshab Das, S/O Sri Bighu Das of Kadamtali, Krishnanagar,

Agartala cannot be considered as ATMA is also under Centrally Sponsored Scheme. However, Sri Keshab Das, S/O Sri Bighu Das of Kadamtali, Krishnanagar, Agartala may continue as caretaker for the District Training Centre, of ATMA, Arundhutinagar, if he likes to, till review of his performance in the next meeting of the Governing Body of ATMA .”

This clarification is transparent and in tune with the Government policy. Thus, the petitioner does not have any indefeasible right to appointment or absorption for his engagement as Voucher-paid casual labour. The petitioner may continue in the assignment as proposed till his performance is reviewed. It is expected that since the petitioner has been working in the said project for about 3(three) years, the respondents shall try to accommodate him in the available assignments.

6. Mr. Chakraborty, learned counsel for the state-respondents has clarified that the petitioner was not working under the Government, he has been working under the Agriculture Technology Management Agency. Hence, there is no scheme in vogue where he can even be considered for appointment.

7. Be that as it may, the Project Director (ATMA), the Deputy Director of Agriculture has proposed that the petitioner may continue as the care-taker of Agriculture Technology Management Agency, if he is so inclined to continue. It is

expected that the performance of the petitioner would properly be reviewed and his engagement in the Centrally Sponsored Scheme would be considered in accordance with his experience and qualification.

With this observation and direction this petition stands disposed of. No order as to costs.

JUDGE

Sabyasachi.B