HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) No.153/2020

Smt. Tripti Debnath

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. Raju Datta, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharjee, GA.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

10/12/2020.

Heard learned counsel for the parties for final disposal of the petition.

Petitioner was appointed as Supervisor (ICDS) on ad-hoc basis with effect from 01.04.1991 in the regular pay scale of Rs.1300-3220/- and she joined the service on the same day. She later on participated in the selection process and cleared the examination undertaken by TPSC. She was recommended by TPSC for the post of Supervisor (ICDS) and on the basis of which an offer of appointment was issued on 28.01.2005 in the regular pay scale of Rs.4200-8650/-. In response to the said appointment, the petitioner joined on 21.02.2005. The grievance of the petitioner is that

despite completion of several years of service and successful completion of probation, the service of the petitioner is not regularized. The petitioner seeks regularization of service from initial date of appointment.

The respondents have appeared and filed reply in which reference is made to a decision in case of ***Sri Bhulan Sangna and others vs. State of Tripura and others***, ***W.P. (C) No.1497 of 2017*** and connected petitions in which directions were issued for regularizing the services of petitioners from the date of initial engagement. The respondents also agree that the case of the petitioner is identical to one decided by this Court on 02.09.2019 in case of ***Sri Somen Chakraborty vs. State of Tripura and others***, in ***W.P. (C) No.518 of 2019***.

In case of ***Sri Somen Chakraborty (supra)***, the learned Single Judge had given following directions:

> "7. There is no dispute that the petitioner and the persons who have been regularized by the memorandum dated 02.06.2017 were engaged in the same process and the petitioner got regularized after clearing the selection process conducted by the TPSC in accordance with rules. In this circumstances, to take away the past services of the petitioner, wholly would not only be discriminatory but would be extremely unreasonable. This court cannot allow the respondents to indulge in such act. As such, it is decided that the petitioner shall get the past service from the date of his appointment vide the memorandum dated 24.03.1991 [Annexure-1 to the writ petition] and will get all other benefits on the basis of the length of service viz. benefits under CAS and ACP. But so far

the seniority is concerned, the petitioner cannot as well be allowed to steal march over the persons who were regularly selected by TPSC in the year 2001. The financial benefits that would accrue shall be determined within a period of six months from the date when the petitioner shall furnish a copy of this order to the respondents."

Since it is a common case between the petitioner and the respondents that the case is clearly covered by the judgment in case of ***Sri Somen Chakraborty (supra)***, this petition is disposed of with similar directions. Accordingly, the petitioner will be entitled to the benefit of the past service from 01.04.1991 i.e. the initial date of engagement. Consequently, she will get all benefits on the basis of length of the said service including the benefit of CAS/ACP as the case may be. However, so far as seniority is concerned, she cannot rank senior over the persons, who are regularly selected by TPSC in the year 2001. The entire exercise of calculating the financial benefits and paying the same would be completed within a period of 6 (six) months from today.

Petition disposed of accordingly. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

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