HIGH COURT OF TRIPURA
AGARTALA

WP(C) NO.1262 OF 2016

Sri Dinabandhu Sarkar,
S/o-Lt. Aranya Kumar Sarkar,
Resident of Baluachari, South Charilam,
P.O-Charilam, P.S.-Bishramganja,
District-Sepahijala.

----Petitioner

Versus

1. The State of Tripura
(To be represented by the Secretary, Department of Finance,
Government of Tripura,
New Secretariat Building, New Capital Complex, Kunjaban,
P.S.-New Capital Complex, Agartala,
West Tripura, PIN-799006)

2. Tripura State Electricity Corporation Limited,
(To be represented by the Chairman-cum-Managing Director,
Tripura State Electricity Corporation Limited,
Bidyut Bhavan, Banamalipur, P.S.-East Agartala, Agartala,
District- West Tripura.

3. The Chairman cum Managing Director,
Tripura State Electricity Corporation Limited,
Bidyut Bhavan, Banamalipur, P.S.-East Agartala,
Agartala, District-West Tripura.

4. The Dy. General Managar,
Transmission Division, T.S.E.C.L.
79 Tilla, Agartala.

5. The SDO (Electrical),
66 KV Sub-Station, Sub-Division-Badharghat, Agartala.

----Respondents.

For the Petitioner(s) : Mr. K. Nath, Adv.

For the Respondent(s) : Mrs. S. Deb(Gupta), Adv.

Date of hearing and delivery of
Judgment & Order : 02.01.2020.

Whether fit for reporting : NO.

HON'BLE MR. JUSTICE ARINDAM LODH

J U D G M E N T & O R D E R(ORAL)

Heard Mr. K. Nath, learned counsel appearing for the petitioner as well as Mrs. S. Deb(Gupta), learned counsel appearing for the respondents-Tripura State Electricity Corporation Limited and Mr. M. Debbarma, learned Addl. G.A., appearing for the State-respondent.

2. By way of filing the instant writ petition, the petitioner has 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 or direction shall not be issued whereby directing the Respondents to regularize the service of the Petitioner in a Group-D post with retrospective effect w.e.f. the date on which the petitioner completed 10 years as Watch and Ward Staff.*

ii. *Issue Rule upon the Respondent to show case as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the Respondents to pay the arrear pay and allowances to the Petitioner pertaining to Group-D post treating the Petitioner holding the Group-D post on completion of 10 years service w.e.f. the date on which the Petitioner joined as Watch and Ward Staff.*

iii. *Issue Rule upon the Respondent to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the Respondents to make payment of pay and salary to the Petitioner at par with the pay and salary pertaining to the post of Helper to ensure, that, constitutional mandate of equal pay and equal work is complied with by the Respondents.*

iv. *Make the rules absolute,*

v. *Call for records,*

vi. *Pass any further order/orders as this Hon'ble high Court considered fit and proper."*

3. The short facts of the case are that the petitioner was engaged as Watch and Ward staff of Grid Sub-Station on and from 30.09.1993 and since then he has been discharging his duties as Watch and Ward Staff under the respondent-Tripura State Electricity Corporation Limited.

4. The grievance of the petitioner is that despite serving for almost 15 years, the service of the petitioner has not been regularized. The petitioner has relied upon a memorandum dated 21.01.2009 under reference No.10(2)-FIN(G)/2008(Part), wherein a policy decision has been taken by Government to regularise service of full-time DRWs/ Casual/Contingent workers from the next date of completion of 10 years of service. The petitioner had submitted representations stating *inter alia* that as he has completed 10 years of service he is covered by the said policy and his service is to be regularised after completion of such 10 years.

5. Mr. Nath, learned counsel, in course of his hearing, has drawn the attention of this Court to the policy dated 21.01.2009. Mr. Nath, learned counsel has further submitted that since 30.09.1993, the petitioner being discharged of same duties and responsibilities as those of '*helpers*' but such helpers are enjoying higher salary then that of the petitioner. Mr. Nath, learned counsel has asserted that the petitioner is entitled to equal treatment as those of the *'helpers'* under the respondent-Corporation.

6. On the contrary, Mrs. S. Deb(Gupta), learned counsel appearing for the respondent-TSECL submits that there is no such scheme to regularise the service of the petitioner under the Tripura State Electricity Corporation Limited. Mrs. Deb(Gupta) submits that the

scheme dated 21.01.2009 is made for the State Government employees and is not applicable to the staffs of TSECL. Mrs. S. Deb(Gupta), learned counsel has further submitted that the petitioner was just temporarily engaged as Watch and Ward staff /sweeper @ Rs.700/- per month and it was a temporary arrangement and there is no such permanent post under the TSECL. Mrs. Deb(Gupta), has further contended that the service of the petitioner should not be treated as a regular/DRW /contingent/casual in nature and he is not serving as full time worker and as such the petitioner is not entitled to get the benefits of regular service under the respondents as those of '*helpers*'.

7. Regularisation is not a matter of vested right. It is a right to be considered by the concerned organization under various schemes or policy decision of the Government. Having regard to the submissions of the learned counsel as aforestated, I find no merit in the instant petition to issue a writ of mandamus in favour of the petitioner in exercise of discretionary jurisdiction of this Court. However, I direct the respondent-Corporation to consider the case of the petitioner for regularisation and for granting of the regular pay scale, if permissible under any scheme applicable to the Tripura State Electricity Corporation Limited.

8. With the above observation and direction, the instant writ petition stands disposed.

JUDGE

Suhanjit