**HIGH COURT OF TRIPURA**
**AGARTALA**

**W.P. (C) No.865/2017**

Smt. Uma Roy @ Uma Roy (Bhowmik), W/O. Lt. Makhan Lal Bhowmik, D/o. Late Amar Ch. Roy Resident of Village – Kalachari No.II, P.O. Manikbhander, P.S. Kamalpur, District – Dhalai, Tripura, Pin – 799287.

.....Petitioner(s)

Versus

1. The State of Tripura, Represented by the Secretary,
   Department of Power, Government of Tripura,
   Civil Secretariat, P.S. – New Capital Complex, P.O. – Kunjaban,
   Agartala, Dist. – West Tripura, Pin – 799006.

2. The Principal Secretary, Department of Finance,
   Government of Tripura, Civil Secretariat, P.S. – New Capital Complex,
   P.O. – Kunjaban, Agartala, Dist. – West Tripura, Pin – 799006.

3. The Tripura State Electricity Corporation Ltd.,
   Represented by its Chairman-cum-Managing Director,
   Bidyut Bhavan, North Banamalipur, P.O. – Banamalipur,
   P.S. – East Agartala, District – West Tripura, Pin – 799001.

4. The Chairman-cum-Managing Director,
   Tripura State Electricity Corporation Ltd.,
   Bidyut Bhavan, North Banamalipur,
   P.S. – East Agartala, Agartala, West Tripura District, Pin – 799001.

.....Respondent(s)

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For Petitioner(s) : Mr. T.K. Chowdhury, Advocate.

For Respondent(s) : Mr. M. Debbarma, Addl. GA.
Mrs. S. Deb Gupta, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

Date of hearing and judgment : 09.07.2020.

Whether fit for reporting : No.

**JUDGMENT & ORDER (ORAL)**

The petitioner has prayed for a direction to regularize her service in Group-D post with effect from 01.12.2012.

2. Brief facts are as under:

The petitioner was engaged on a Part Time basis by the predecessor of Tripura State Electricity Corporation in the year 1997. On 09.06.2009, the Finance Department of the Government of Tripura issued a Memorandum regularizing services of DRW and Casual Workers working in TSECL. On 07.11.2012, a fresh Memorandum was issued under which services of Part Time Workers, who had put in more than 10 years of service would be converted into Full Time basis. The grievance of the petitioner is that she has not been granted the benefit under either of these two schemes. The petitioner relies on a decision of learned Single Judge in ***W.P. (C) No.131 of 2015*** and connected petition in case of ***Smt. Rubi Deb versus The State of Tripura and others***.

3. The respondents have appeared and filed replies. In particular, TSECL has filed an affidavit dated 30.10.2017 of one Sri Santi Gopal Choudhuri in which it is agreed that the petitioner has been engaged as a Part Time Worker since 1997. Such engagement was subsequently approved by the Finance Department also. The petitioner was not granted benefit of the Scheme dated 09.06.2009 for regularization since she was not engaged on Full Time basis. It is reiterated that the petitioner is discharging the duties only on Part Time basis and not Full Time.

4. In absence of any evidence suggesting that the petitioner, though described as a Part Time Worker, was discharging duties for Full Time as averred by her, it is not possible to accept this contention. I must, therefore, proceed on the basis that the petitioner was engaged as a Part Time Worker in the year 1997 and continues to discharge the duties on such basis. In that view of the matter, the Scheme for regularization of Full Time Workers framed in June, 2009 would not cover the case of the petitioner. Nevertheless, there is no reason why the petitioner should not get the benefit under the subsequent Scheme dated 07.11.2012 for converting the Part Time Workers into Full Time Basis subject to fulfillment of certain conditions. The Scheme essentially provides that all Part Time Workers working in different departments of the Government for two, three or four hours and who were engaged prior to 31.03.2003 and

who have completed 10 years of service would be engaged as Daily Rated Workers with effect from 01.12.2012 subject to fulfillment of the conditions contained therein. It is undisputed that the TSECL has adopted the said Scheme. Undisputedly, the petitioner was engaged as a Part Time Worker in the year 1997. She had therefore completed10 years of service on such a basis when the Scheme was framed. She, therefore, had to be engaged as a Daily Rated Worker from 01.05.2012. The respondents have cited no reason why such benefit was not granted to her. She would therefore get the status of her Daily Rated Worker with effect from 01.05.2012. However, since she has not worked on Full Time Basis for the intervening period, actual salary as a Daily Rated Worker shall be paid only prospectively and not for the past period.

5. Under the circumstances, the petition is disposed of with following directions:

(i) The petitioner shall be granted the status of Daily Rated Worker with effect from 01.12.2012 in terms of the Memorandum dated 07.11.2012;

(ii) She will be paid wages at the rate prescribed for Daily Rated Workers from 01.08.2020, from which date, actual work of Full Time shall be extracted from her;

HIGH COURT OF TRIPURA
सत्यमेव जयते

(iii) For the past period between 01.05.2012 till 01.08.2020, difference of salary will not have to be paid.

6. Petition disposed of accordingly. Pending application, if any, also stands disposed of.

**(AKIL KURESHI), CJ**

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HIGH COURT OF TRIPURA
सत्यमेव जयते