

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.465 OF 2014

Smt. Bela Rani Datta,
Wife of Sri Nikhil Chandra Datta,
R/O Vill Fatikroy, P.O. Fatikroy,
PS Kumarghat,
District-Unakoti, Tripura.

..... *Petitioner*

- *Vs* -

1. The State of Tripura,
Represented by the Secretary,
Public Works Department,
New Capital Complex,
P.O. Kunjaban, Agartala.

2. Chief Engineer,
Public Works Department,
New Secretariat Complex,
Agartala, West Tripura.

3. Executive Engineer,
Public Works Department,
Kumarghat Division,
Kumarghat, North Tripura.

4. Sri Bishnu Pada Paul,
S/O Late Behari Paul,
R/O Vill Chandrapur(Suravi Road),
P.O. Chandrapur,
P.S. Dharmanagar,
District-North Tripura.

..... *Respondents*

**BEFORE
THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner	:	Mr. R. Nandi, Advocate
For the respondents	:	Ms. A.S. Lodh, Addl. G.A.
Date of hearing and delivery of judgment & order	:	29.02.2016

Whether Fit for Reporting	:	Yes	No
			✓

JUDGMENT & ORDER(ORAL)

This writ petition is filed by the petitioner seeking her regularization in the post of Peon with effect from the date respondent No.4 was regularized and for other service benefits.

2. Heard learned counsel, Mr. R. Nandi for the petitioner

and learned Addl. G.A., Mrs. A.S. Lodh for the respondent Nos.1 to

3. Respondent No.4 has chosen to remain absent.

3. The case of the petitioner is that by a Memo. dated

17.06.1992(*Annexure-1* to the writ petition) she and respondent

No.4 were engaged as Daily Rated Worker(DRW) by the respondent

No.2. Though she and respondent No.4 were similarly situated, the

official respondents by office order dated 24.10.1992(*Annexure-5* to

the writ petition) appointed respondent No.4 on regular basis but

the petitioner was not regularized with respondent No.4. She was

regularized on 10.10.2012(*Annexure-2* to the writ petition) in the

post of Peon by the official respondents. The official respondents

subsequently gave her the benefits of service in the post of Peon

w.e.f. 01.07.2008.

It is the claim of the petitioner that she is entitled to be regularized with effect from the date the respondent No.4 was regularized and the official respondents may be directed to give her all benefits of regularization w.e.f. 24.10.1992.

4. Respondent Nos.1 to 3 *inter alia* contended that the petitioner and respondent No.4 were initially appointed as a DRW in the year 1992 and subsequently respondent No.4 was appointed in the post of "Majdoor" as a direct recruit and his appointment in the post of "Majdoor" had no connection with his earlier engagement as a DRW. So the petitioner cannot claim the same benefit with respondent No.4. They have also contended that State Government took a conscious decision of regularizing all DRW, Casual and Contingent Workers who have completed 10 years of service as on 31.03.2008 and under that scheme the petitioner was regularized. She has no right to claim the benefits *w.e.f.* 24.10.1992 when respondent No.4 was appointed in a regular post of Peon.

5. In a writ petition the petitioner has to show that any fundamental or legal right has been violated or that under any rule or scheme framed by the Government she has not been treated at par with the others who were similarly situated with her and that she has been discriminated.

6. It is correct that the petitioner and respondent No.4 were appointed as Daily Rated Worker by Memo. dated 07.06.1992. Respondent No.4 was shown in Sl. No.1 and the petitioner was shown in Sl. No.2 and they were appointed as Daily Rated Worker only. Annexure-5 is the subsequent appointment letter of respondent No.4 *i.e.* office order dated 24.1.0.1992 which shows that the respondent No.4 and five others were engaged in the post

of "Majdoor" with a regular pay scale. It is therefore evident that respondent No.4 was not regularized from the post of DRW but he was appointed afresh in the post of Majdoor and so the petitioner cannot claim any benefit or advantage from the appointment of respondent No.4 in the post of Majdoor. Further I find by Memo. dated 01.09.2008(*Annexure-R1* to the counter affidavit) the State Government declared that DRW/Casual/Contingent workers who were engaged on a full time basis in different departments with or without concurrence of Finance Department and have completed 10 years of service as on 31.03.2008 may be considered for regularization and under that memorandum the petitioner was regularized in the year 2012 but she was given the benefit of regularization with retrospective effect from 2008. There was no assurance under that memorandum that she should be given the benefit from the date of her appointment or from any other date subsequent thereto.

7. Since the petitioner has failed to make out any case of violation of any rule/regulation or scheme of the Government, I find nothing to give any relief to the petitioner. Accordingly, the writ petition stands dismissed but I direct that the parties should bear their costs.

JUDGE