

**HIGH COURT OF TRIPURA
AGARTALA**

WA NO.109 OF 2016

Tripura State Electricity Corporation Ltd. & Anr.

-----Appellant(s)

Versus

Sri Subrata Das & 2 Ors.

-----Respondent(s)

WA NO.112 OF 2016

Tripura State Electricity Corporation Ltd. & Anr.

-----Appellant(s)

Versus

Smt. Rubi Deb & Anr.

-----Respondent(s)

WA NO.116 OF 2016

Tripura State Electricity Corporation Ltd. & Anr.

-----Appellant(s)

Versus

Smt. Biva Thapa & Ors.

-----Respondent(s)

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KAROL
HON'BLE MR. JUSTICE ARINDAM LODH**

Present:

For appellant(s) : Mrs. Sujata Deb(Gupta), Advocate

For respondent(s) : Mr. N. Chowdhury, G.A.
Mr. Arijit Bhowmik, Advocate
Mr. P. Roy Barman, Advocate
Mr. Samarjit Bhattacharjee, Advocate

ORDER

30/07/2019

The appellants have prayed for the following reliefs:

In **WA No.109 of 2016**

"i) Admit the Appeal.

ii) Call for records of the W.P(C) 580/2015 and other related documents form the custody of the respondents.

iii) Issue Notice.

iv) After hearing the parties pleased to set aside the judgment and order dated 31.08.2016 as passed in WP(C) 580/2015 as filed by the respondent no.1.

v) Pass such further order or orders as seem fit and proper having regard to the circumstances of the case.”

In **WA No.112 of 2016**

"i) Admit the Appeal.

ii) Call for records of the W.P(C) 131/2015 and other related documents form the custody of the respondents.

iii) Issue Notice.

iv) After hearing the parties pleased to set aside the judgment and order dated 28.06.2016 as passed in WP(C) 131/2015 as filed by the respondent no.1.

v) Pass such further order or orders as seem fit and proper having regard to the circumstances of the case.”

In **WA No.116 of 2016**

"i) Admit the Appeal.

ii) Call for records of the W.P(C) 464/2015 and other related documents form the custody of the respondents.

iii) Issue Notice.

iv) After hearing the parties pleased to set aside the judgment and order dated 28.06.2016 as passed in WP(C) 464/2015 as filed by the respondent no.1.

v) Pass such further order or orders as seem fit and proper having regard to the circumstances of the case.”

Inviting our attention to the decisions rendered by the Apex Court in **(2011) 2 SCC 429, State of Rajasthan & Ors. vs. Daya Lal & Ors., (2006) 4 SCC 1, Secretary, State of Karnataka & Ors. vs. Umadevi(3) & Ors., AIR 2017 SC 11, State of Jammu and Kashmir & Ors. vs. District Bar Association, Bandipora**, Mrs. Deb(Gupta) contends that the decision rendered by the learned Single Judge is going to have far reaching consequences, inasmuch as, others, who have yet not approached the Court, are likely to seek similar benefits.

Having perused the record, as also heard Sri Bhowmik on the issues, subject matter of the present appeal, in the backdrop of the instant case, such apprehension is not well founded, for as

stands noticed by the learned Single Judge, as also by us, certain facts to be un-rebutted and un-refuted of the recent documents establishing the petitioners' continuance engagement on full-time basis. It is in this backdrop, considering the policy dated 21.01.2019, as referred to and relied upon by the learned Single Judge, we are inclined not to interfere, more so, when such decision is based on the peculiar and attending facts and circumstances, where petitioners had been uninterruptedly discharging their duties in the capacity as a full time worker.

As such, we are not inclined to interfere with the impugned order dated 31.08.2016, passed by the learned Single Judge in *WP(C) No.580 of 2015*, titled as *Sri Subrata Das vs. State of Tripura & Ors*, order dated 28.06.2016, passed in *WP(C) No.131 of 2015*, titled as *Smt. Rubi Deb vs. State of Tripura & Ors* and also order dated 28.06.2016, passed in *WP(C) No.464 of 2015*, titled as *Smt. Biva Thapa vs. State of Tripura & Ors*.

Abundantly, we clarify that it is only in the peculiar facts and circumstances of the present appeals, that we have taken this view which in any event, shall not be considered to be a binding precedent.

With the aforesaid observations, the present appeals stand disposed of, so also, the pending application(s), if any.

(ARINDAM LODH, J)

(SANJAY KAROL, CJ)