

**HIGH COURT OF TRIPURA
AGARTALA**

1. WP(C) No.940/2019

Smt. Gouri Debnath (Majumder)

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

Connected with

2. WP(C) No.941/2019

Smt. Rekha Rani Sharma

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

3. WP(C) No.942/2019

Sri Sukanta Kumar Shil Sharma

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

4. WP(C) No.1026/2019

Sri Pradip Deb

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

5. WP(C) No.1027/2019

Sri Sanjib Acharjee

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

6. WP(C) No.1028/2019

Sri Asim Acharjee

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

7. WP(C) No.1029/2019

Sri Mrinal Acharjee

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

8. WP(C) No.1030/2019

Sri Plaban Deb

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

9. WP(C) No.1031/2019

Smt. Chandra Pal

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

10. WP(C) No.1032/2019

Sri Krishnadhan Pal

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

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

For Respondents No.1 & 2 : Mr. Debalay Bhattacharjee, G.A.

For Respondents No.3 & 4 : Mr. P. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

31/01/2020

Learned counsel for the parties jointly state that issues arise in these petitions are squarely covered by a decision dated 22.01.2020 in case of ***Sri Sukumar Debnath vrs. The State of Tripura and others*** in ***WP(C) No.522 of 2019*** and connected petitions. Relevant portion of this judgment reads as under:

"It is undisputed that the issues involved in these petitions are similar to those decided by an order dated 21.01.2020 in W.P. (C) No.704/2019. Only difference being, that in the present case the petitioners contend that their junior Mousumi Roy has been granted regularization from earlier date. In the decided case, reference to the junior was to another person.

The petition was disposed of as under:

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

Petitioner is the employee of Tripura State Electricity Corporation. She had joined duties as a daily wager on 07.08.1999. The State Government has formulated a scheme of regularization of daily rated worker published in a memorandum dated 09.06.2009. Broadly, the scheme envisages regularization of casual and daily rated workers after completion of 10 years of service. One of the provisions of the scheme is that in case of those workers who had not completed 10 years as on 31.03.2008 but otherwise deserve to be regularized, their cases would be considered upon completion of 10 years of service. The petitioner would fall in the said category. The respondents have regularized the petitioner's service with effect from 02.04.2011. The case of the petitioner is twofold. Firstly, this date of regularization does not indicate the correct date since the petitioner had completed 10 years of service much earlier. Secondly, counsel for the petitioner would point out that number of person who had joined subsequent to the petitioner have been regularized at an earlier date. My attention was drawn to an office order dated 19.03.2019 under which several daily rated workers were regularized with effect from 1.7.2008. He pointed out that one of them, Soma Deb(Bhattacharjee) had joined the duties of Tripura State Electricity Corporation subsequent to the petitioner.

Learned counsel for the electricity corporation submitted that the corporation is prepared to regularize the petitioner notionally from the due date after completion of 10 years of service in terms of the said memorandum dated 9.6.2009 which scheme for regularization the corporation was also adopted. In view of the statement, the petitioner's first grievance would stand resolved. The corporation is expected to pass fresh order granting due date of regularization to the petitioner giving it notional benefit for the past period. However, if any person junior to the petitioner is regularized from an earlier date, there has to be an explanation for the same or the corporation shall have to make some adjustment for not disturbing the seniority of the petitioner vis-à-vis her junior.

Under the circumstances petition is disposed of on the following directions:

(i) The corporation shall pass consequential order in terms of the statement made and recorded hereinabove within a period of two months from today.

(ii) Once this order is passed, the petitioner may make a representation to the concerned authority for correct seniority in the regular cadre. The concerned authority shall consider the same and pass a speaking order within two months from the date of receipt of the representation.

(iii) If there any grievance still surviving it would be open for the petitioner to agitate the same in accordance with law.

Petition is disposed of accordingly."

Without recording separate reasons, these petitions also stand disposed of in terms of the said order and the directions maintained therein, which shall be incorporated for the purpose of these petitions.

All petitions are disposed of accordingly."

These petitions are also, therefore, disposed of with the same directions which will apply *mutatis mutandis* in these cases, with a modification that time for carrying out the directions is granted for 3(three) months from today.

All petitions disposed of accordingly.

(AKIL KURESHI), CJ

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