

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 154/2021
alongwith WP(C) 155/2021
WP(C) 156/2021

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. K. Nath, Advocate
For Respondent(s)	:	Mr. M. Debbarma, Additional GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

29/07/2021

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioners as well as Mr. M. Debbarma, learned Additional GA appearing for the State-respondents.

These writ petitions have been taken up together for final hearing and disposal on consent of learned counsel appearing for the parties to the *lis*

The petitioners of the above writ petitions have claimed regularization/absorption in the post of Farm Workers "Group-D" in the Pay Level-I of Tripura State Pay Matrix-2018. It is the case of the petitioners that they have completed 15 years of their service as casual workers and permanent labourers and, they are covered by government notification dated 12.08.2014 (Annexure-5 to the writ petition). The State-respondents have also admitted this fact that the petitioners are entitled for absorption to the post of Farm Workers, "Group-D" in Level-I and, they sent the proposal to the Cabinet for taking a decision by the Council of Ministers.

Mr. M. Debbarma, learned Additional GA appearing for the State-respondents has submitted that the Council of Ministers has not taken any decision till today. Mr. Debbarma, has further stated that the notification dated 12.08.2014 has already been cancelled by the government. He has further submitted that under the new scheme for regularization, the

official Executives have been given power to consider the regularization/absorption of the eligible workers without referring the matter to the Council of Ministers.

The State-respondents in their counter affidavit, at paragraph 4, has stated thus:-

“That, the statements made in para 2 to 14 of the writ petition and annexures are admitted in facts as which are matter of records. Hence, the answering respondents reiterated to comments further”.

The relevant portion of paragraph 5 of the counter affidavit may also be reproduced for convenience in extenso:-

“The file was moved to the Finance Department for obtaining concurrence to regularize 20 Nos. senior most eligible Permanent Labourers out of total 73 Nos. who fulfil the criteria as on the date of initiation of the proposal as Farm Worker, but due to administrative and other reasons the matter was delayed. By this time 7 (seven) Nos. Permanent Labourer has also become eligible to be regularized to the post of Farm Worker raising total No. 27 and total No. of Permanent Labourers also reduced at 68 due to retirement/death/termination etc. The Finance Department returned the file with a direction to furnish the approval from the Council of Ministers for one time relaxation of educational qualification/age etc. of the eligible Permanent Labourers.

On receiving direction from the Finance Department a proposal for regularization of 27 (Twenty seven) Nos. permanent Labourers to the Post of Farm Workers “Group-D” in the Pay Level-I of Tripura State Pay Matrix-2018 was initiated and placed before the Government to place the matter before the Council of Ministers for consideration. The name of the Petitioner is enlisted in the list of eligible candidates at Sl. No. 26 (Annexure-9 to the writ petition)”

Undisputed facts are that, the name of all the three writ petitioners appeared in the list of 27 nos. of eligible candidates at serial nos. 23, 24 and 27 of the said list (Annexure 9 to the writ petition).

In my opinion, the Council of Ministers i.e. the Cabinet while issuing the memo dated 12.08.2014 had taken a well thought decision to regularize all the casual workers/permanent labourers in the post of Farm Workers who have completed 15 years of service. The Cabinet was also aware of the age and qualification relating to the petitioners.

Further, the Council of Ministers while taking a decision has directed the official Executives to implement the decision of the Cabinet only with a rider that such workers should complete 15 years of service as casual workers/ permanent labourers. The said decision vide memo dated 12.08.2014, in considered view, has to be purposive interpretation. Age and educational qualification shall not come in the way of such regularization/absorption of the petitioners and similarly situated persons in view of the memo dated 12.08.2014.

I do not find any cogent reason to refer the matter to the Council of Ministers when the memo dated 12.08.2014 is very clear in determining the eligibility criteria in regard to the service of the petitioners as well as other similarly situated persons.

In view of my preceding analysis, I proceed to record my conclusion *in seriatim*:

- (i) The respondents are directed to regularize/absorb the petitioners in the post of Farm Workers (Group-D, Level-I);
- (ii) The respondents are also directed to fix the pay scale of the petitioners as per existing ROP Rules;
- (iii) The respondents shall issue necessary order of regularization/ absorption of the petitioners in the post of Farm Workers (Group-D, level-I) with the existing prescribed pay scale within a period of 2 (two) months from the date of this order;
- (iv) The respondents shall not wait for the decision of the Council of Ministers to complete the entire process.

Keeping in mind the submission of the Ld. Addl GA that the state government has recently introduced a new scheme, I am of the opinion, that the decision for regularization/absorption of the petitioners and other similarly situated persons was taken into consideration before

enforcement of the new scheme and as such, this submission of Id. Addl GA will not come in the way of absorbing the petitioners in the post of Farm workers in terms of the previous scheme since the petitioners had acquired to be absorbed when the previous scheme was in vogue.

All the above writ petitions are allowed in the above terms and thus disposed of.

Interim application(s), if any, also stands disposed of.

JUDGE

Saikat