

**HIGH COURT OF TRIPURA
AGARTALA
W.A.228 of 2022**

For Appellant(s) : Mr. B. Paul, Adv.
For Respondent(s) : Mr. D. Bhattacharya, G.A.
Mr. K. De, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

Order

22.12.2022

Heard Mr. B. Paul, learned counsel appearing for the appellant.

2. The appellants were engaged as worker under the Department of Handloom, Handicraft & Sericulture on 01.08.1998. The appellants joined the Badharghat Twisting Unit as piece rated worker after completion of six months of training. On 02.08.2003, the petitioners and like others made several representations for regularization of their service. On 09.03.1978, a committee meeting was held for smooth functioning of the model carpenter and black smith, Hawaibari, Teliamura. By the said meeting, the piece rated workers were absorbed as the Industrial Workers.

3. The appellants made several representations for regularization as the similarly situated piece rated worker were regularized on 21.08.1979. The High Court on 21.02.2017 passed a common judgment by giving direction to the respondent to consider those similarly situated appellants to regularize their service. On 19.05.2022, the High Court disposed of the said writ petition being WP(C)No.786 of 2020 directing the concerned authorities

to consider the representations of the petitioners expeditiously in reference to other similarly situated employees and pass orders in accordance with law in two months from the date of receipt of the copy of this order. On 09.06.2022, the appellants submitted representation before the respondent along with the copy of the judgment and order dated 19.05.2022 passed in WP(C)No.786 of 2020. On 08.08.2022, the respondent No.3 regret the representation of the appellants and similar other situated persons. The appellants again filed the writ petition before the High Court on 07.11.2022 and the High Court has disposed of the writ petition being WP(C)No.934 of 2022 which reads as under :

Heard Mrs. S. Deb(Gupta), learned counsel appearing for the petitioners. Also heard Mr. K. De, learned Addl. G.A appearing for respondents-State.

The petitioners were first appointed as piece rated worker in the year 1993. By way of filing the present writ petition, the petitioners have prayed for regularization with regular pay scale in the post of Group-D.

Mrs. Deb(Gupta), learned counsel appearing for the petitioners has submitted that the petitioners on earlier occasion filed a writ petition wherein the Court had directed the respondents State to consider the representations of the petitioners. The authority concerned after receipt of such representations had considered the same and rejected the prayer for regularization by order dated 08.08.2022 (Annexure 17 to the writ petition). Being aggrieved, the petitioners have filed the present writ petition.

Mrs. Deb(Gupta), learned counsel has submitted that the petitioners were not appointed through established norms of appointment. They were appointed under pick and choose policy. That apart, the present petition is badly suffered from delay and latches.

Mr. De, learned Addl. G.A has submitted that all notifications underlying the scheme of regularization has been cancelled by the government.

In view of above, I find no merit in the instant writ petition and accordingly, stands dismissed without any order of costs.

4. When the counsel for the appellants advanced his argument he has referred to the order of the learned Single Judge where the petitioner has categorically stated that the petitioners were not appointed through established norms of appointment. They were appointed under pick and choose policy. That apart, the present petition is badly suffered from delay and latches.

5. According to this court, learned counsel appearing for the appellant is trying to suppress the facts while filing cases, pick and choose policy and the counsel has not come with clean hands to argue the case which is not fair on the part of the client and for the counsel as well. According to this court, it amounts to wastage of time of this court.

Consequently, a cost of Rs. 25,000/- (Rupees Twenty Five Thousand) only is imposed on the appellants. The said amount shall be deposited to the account of the Tripura High Court Employees Association within a period of one month from today.

A copy of this order be marked to the President, Tripura High Court Employees Association.

JUDGE

CHIEF JUSTICE (ACTING)