

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.573 of 2022

Smt. Krishna Singha Das

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

30/11/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents-State.

The fact of the case is that the petitioner was engaged as Casual Worker in the year 2003. She has filed the present writ petition for regularization of her service. The petitioner had submitted representation to the Director, Information & Cultural Affairs for regularization of her service, but in vain. The petitioner has filed the present writ petition in the year 2022 claiming regularization of her service on the basis of the memoranda which were repealed by the government in the year 2018.

The petitioners have relied upon certain schemes, introduced by the Government of Tripura for regularization of the services of DRWs/PTWs/Casual/ Contingent, etc, workers which have already been repealed under order dated 31.07.2018 issued by the State.

I have considered the submission of learned counsel appearing for the parties.

After perusal of the documents annexed with the writ petition, I find that the petitioner has failed to justify that she had been appointed against any regular sanctioned vacant posts. Even the petitioner has not produced any document to show that she was appointed by the competent authority of the respondents. She was appointed simply by an officer of the department.

The petitioner had joined in service in the year 2003. Moreso, the petitioner had been appointed illegally without following the procedure prevalent at that time. She must approach the court within the realm of the scheme and during the existence of the scheme. The delayed approach and lackadaisical attitude of the petitioner would not entail her to get the benefit of repealed schemes. In the opinion of this Court, this petition is absolutely barred by delay and laches. Moreso, the nature of appointment of the petitioner is not only irregular but illegal also. Further, regularization is not a matter of right but a right to be considered by the employer and equality clause enshrined in Indian Constitution must be followed in *sensu stricto*.

This Court in **WP(C) No.5 of 2023** titled as ***Sri Satya Ranjan Dey and Anr. Vs. The State of Tripura and 4 Ors.*** decided on 06.09.2023 had passed a detailed order referring many judgments of the Hon'ble Apex Court and held that the petitioners of that writ petition were not entitled to get their services regularized and therefore, dismissed the writ petition.

Thereafter, a Division Bench of this Court (presided over by Justice Aparesh Kumar Singh, Chief Justice and myself) had an occasion to deal with the similar issue on **regularization** in the case of ***State of Tripura and Ors. Vs. Suprava Debnath*** reported in **2023 SCC Online Tri 833** wherein after observing all aspects, by a detailed order the same was dismissed.

Accordingly, I do not find any merit in the present writ petition and the same stands dismissed.

JUDGE

SANJAY Digitally signed
by SANJAY
GHOSH
Date: 2023.12.01
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Rohit