

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.384 of 2024

1. Runu Majumder (Baidya)

W/o: Uttam Baidya, R/o: Vill: Baraj Colony, P.o: Sarashima, P.s; Belonia, South Tripura, Pin: 799155

2. Juthika Chakraborty

W/o: Bimal Chakraborty, D/o: Rash Behari Chakraborty, R/o: Vill: Sarasima, Boroj Colony, South Tripura, Pin:799155

3. Rajib Nath

S/o: Satyajit Nath, R/o: Vill and P.O: Bijohnagar, P.S: Sabroom, South Tripura, Pin: 799145

....Petitioner(s)

Versus

1. The State of Tripura

to be represented by the Pricipal Secretary, Department of Revenue, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, Pin-799006

2. The Secretary

Department of Finance, Govt. of Tripura, New Secretariat Building, new Capital Complex, Agartala, West Tripura, Pin:799010

3. The Under Secretary,

Revenue Department, Government of Tripura.

4. The DM & Collector,

South Tripura District, Belonia.

....Respondent(s)

For Petitioner(s)	:	Ms. A. Debbarma, Advocate
For respondent(s)	:	Mr. M. Debbarma, Addl. G.A
Date of hearing and		
Delivery of Judgment & Order	:	30.07.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH
JUDGEMENT AND ORDER(ORAL)

Heard Ms. A. Debbarma, learned counsel appearing for the petitioners. Also heard Mr. M. Debbarma, learned Addl. G.A appearing for the State-respondents.

The fact of the case is that the petitioners were appointed in the month of December, 2012 as contractual workers under the respondents. While they were discharging their duties as contractual workers, the respondents

under order dated 29.06.2015(*Annexure-2* to the writ petition) had given an *ex post facto* approval treating the petitioners as Daily Rated Workers w.e.f. the dates of their joining. From the said Memo dated 29.06.2015, it appears that the petitioners had joined to their respective services on 01.12.2012. A proposal has been initiated by the District and Collector, South Tripura, Belonia in the year 2022(21.02.2022) to regularise the services of eight numbers of Daily Rated Workers including the petitioners. But till now, their services have not been regularised.

Ms. Debbarma, learned counsel for the petitioners has submitted that the services of all the Daily Rated Workers whose names appeared in the communication dated 21.02.2022 have been regularised, but the services of the petitioners appearing at serial nos.6, 7 and 8 have not been regularised most illegally and arbitrarily. Ms. Debbarma, learned counsel has strenuously argued that it is a clear case of discrimination and violation of Articles 14 and 16 of the Constitution of India.

On the other hand, Mr. Debbarma, learned Addl. G.A for the State-respondents submits that the policy for regularisation of DRWs has been repealed in the year 2018. At present, no policy for regularisation of Daily Rated workers exists and in view of this, the present petition is liable to be dismissed.

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

It is settled proposition of law that regularisation is not a matter of right but a right to be considered. However, it is found in the instant case that the respondent no.4, DM & Collector, South Tripura, Belonia has considered regularisation of Sri Abhijit Das, Sri Kamal Deb, Sri Rajib Debnath, Sri Bimalendu Tripura and Sri Asis Debnath as per the direction of the Court. If same principle is applied, then, regularization of the services of the petitioners also may be considered. In the communication dated 21.02.2022, it is stated that “*Among the 8(eight) nos. DRWs, Sl. No.1 to 5 have already been completed their 10(Ten) years of DRW period*”. So, it is evident that though there is no policy for regularisation of DRWs, at this moment, but the DM and Collector, South Tripura, Belonia while

regularizing the above 5(five) names under communication dated 21.02.2022 has considered that they completed 10(ten) years of service as DRW.

In view of this, I direct the respondents, particularly the DM & Collector, South Tripura, Belonia to consider the regularisation of the services of the petitioners since they have already completed 10(ten) years of service.

The process shall be completed within 3(three) months from today.

With the above observation and direction, the instant petition stands allowed and disposed.

JUDGE



Rohit