
(2023) 03 TP CK 0009
In the Tripura High Court
Case No : Writ Petition (C) 881 Of 2022

Shyamal Saha

APPELLANT

Vs

State Of Tripura & 2 Ors

RESPONDENT

Date of Decision : 10-03-2023

Acts Referred:

Citation : (2023) 03 TP CK 0009

Hon'ble Judges : Arindam Lodh, J

Bench : Single Bench

Advocate : Sarama Deb, D. Sarma

Final Decision : Dismissed

Judgement

Arindam Lodh, J

Heard Ms. S. Deb, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the State-respondents.

The case of the petitioner is that he was initially engaged as Casual Worker under the Animal Resources Development Department, Govt. of Tripura in the year 1999. Thereafter, he was engaged as DRW in the year 2004 and lastly, he was engaged as Permanent Labourer on 01.01.2007. It is asserted in the writ petition that in the year 2015, the ARD Department had created 746 posts of Live Stock Farm Worker (Group-D), in order to regularize the services of Departmental Permanent Labourers and accordingly, 606 posts of Live Stock Farm Worker (Group-D) were filled up from the Departmental Permanent Labourers, but, the petitioner was not considered for his regularization.

Ms. S. Deb, learned counsel appearing for the petitioner has submitted that the petitioner submitted repeated representations to the authority concerned to regularize his service, but ,those were not responded to. It is the settled proposition of law that repeated filing of representations will not give a licence to the concerned employee to take recourse of law within a reasonable period of

time. Moreover, it is further submitted that services of the juniors of the petitioner were regularized in the year 2015.

The petitioner has filed the instant writ petition for regularization of his service since the services of his juniors were regularized in the year 2015.

Only in the year 2022, the petitioner has approached for regularization when all the policies for regularization were repealed in the year 2018. Added to it, in my opinion, the writ petition badly suffers from the established doctrine of delay and laches as all on a sudden after elapse of so many years, the petitioner woke up to ventilate his grievance by filing this writ petition. More so, claim of regularization or absorption is not matter of right. It is a right to be considered, if the claim comes within the purview of a recognized policy. The petitioner may approach the concerned authority and pursue his claim.

Accordingly, the instant writ petition stands dismissed as it is absolutely barred by delay and laches.