

---

**(2025) 12 TP CK 0029**

**Tripura HC**

**Case No:** IA No. 01 Of 2025 In Writ Petition (C) No. 664 Of 2025

Radhika Gowala Chauhan

APPELLANT

Vs

State Of Tripura

RESPONDENT

---

**Date of Decision:** Dec. 15, 2025

**Hon'ble Judges:** Biswajit Palit, J

**Bench:** Single Bench

**Advocate:** Purusuttam Roy Barman, Sutapa Debbarman, Karnajit De

**Final Decision:** Allowed

---

### **Judgement**

Biswajit Palit, J

Learned Senior Counsel, Mr. Purusuttam Roy Barman assisted by Learned Counsel, Ms. Sutapa Debbarman is present on behalf of the applicant. Learned Addl. GA, Mr. Karnajit De is present on behalf of respondents-State.

No objection is filed by the respondents against the present IA.

At this stage of hearing, Learned Senior Counsel for the applicant drawn the attention of this Court that by an office memorandum dated 30.01.2016, the applicant was engaged as a Sweeper in the Police Accountability Commission, Agartala w.e.f. 01.02.2016 on contract basis and she was given 75% of Basic Pay of the initial pay scale of the Group-D employee, which continued year after years. Learned Senior Counsel further submitted that by order dated 16.08.2024 the period of engagement of the applicant was further extended w.e.f. 01.07.2024 and accordingly, she performed her job. But, all on a sudden, after expiry of the said term as per memorandum dated 16.08.2024 (**Annexure-8** to the writ petition), her service was discontinued. The applicant submitted representation to the authority but, no action was taken. Hence, under compelling circumstances the applicant has filed the connected writ petition seeking reliefs.

Learned Senior Counsel further submitted that the applicant being a poor person is out of employment due to discontinuance of her service and if an interim protection is not granted to the applicant till disposal of the connected writ petition, she would be highly prejudiced. Learned Senior Counsel again submitted that even before discontinuance of her service, nothing was communicated to her. Even no show-cause was given to her, which was totally illegal. As such, by filing the present IA and the connected writ petition, the applicant sought redress from this Court.

Learned Addl. GA, Mr. Karnajit De appeared and submitted that the applicant was engaged on outsourcing basis so, she has got no right to claim regularization and no protection can be granted in her favour.

Heard both the sides.

Honble the Apex Court in a judgment reported in **2025 SCC OnLine SC 1735 [titled as Dharam Singh & Ors., vs State of U.P. & Anr.]** in para Nos.17 and 18 observed as under:

**17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.**

**18. Moreover, it must necessarily be noted that ad-hocism thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If constraint is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.**

I have also perused the judgment.

Admittedly, the applicant was engaged on contractual basis to meet the requirement of Police Accountability Commission and since the year 2016 she

continued her service but, without assigning any reason, her service was terminated/discontinued. So, till disposal of the connected writ petition, the applicant may be allowed to continue her service to the same post where she was attached.

However, regarding regularization, the matter needs to be examined by this Court. Time is already granted to the respondents to file counter affidavit in the connected writ petition.

In view of the above, the present interlocutory application stands allowed and disposed of.

A copy of this order be communicated to Learned Senior Counsel for the applicant.