

GAHC010019422024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/553/2024

BABLI RANI NATH
W/O- BINOY NATH, ANGANWADI WORKER, MADHURBOND NATHPARA
ANGANWADI CENTRE, R/O VILL. MADHURBOND, P.O. BHURUNGA, PS
PATHARKANDI, DIST. KARIMGANJ, ASSAM, PIN- 788724

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE GOVT.
OF ASSAM, DEPARTMENT OF SOCIAL WELFARE, DISPUR, GUWAHATI,
ASSAM, PIN- 781006

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM UZAN BAZAR GUWAHATI ASSAM PIN- 781001

3:THE DISTRICT SOCIAL WELFARE OFFICER
KARIMGANJ DIST. KARIMGANJ ASSAM

4:THE PROGRAM OFFICER DIVISIONAL ICDS CELL
CACHAR SILCHAR ASSAM

5:THE CHILD DEVELOPMENT PROJECT OFFICER
PATHARKANDI ICDS PROJECT
PATHARKANDI DIST. KARIMGANJ ASSAM

6:THE SUPERVISOR PATHARKANDI ICDS PROJECT
PATHARKANDI DIST. KARIMGANJ ASSAM

Advocate for the Petitioner : MR. A K DUTTA, MR. B PURKAYASTHA,MR. B ZAMAN

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 31.07.2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner. Also heard Mr. C. K. S. Baruah, learned Government Advocate, Assam, appearing on behalf of all the respondents.

2. The grievance raised by the petitioner in the present proceeding, is with regard to non-release of her remuneration for the service discharged by her as an Anganwadi Worker(AWW) at Madhurbond Nathpara AWC No. 261, in terms of her engagement in this connection. The petitioner further prayed that she shall also be permitted to due to discharge her duties at the said Anganwadi Centre in terms of the directions passed by this Court vide the order, dated 17.01.2023, in WP(c)7299/2021.

3. As projected in the writ petition, the petitioner, herein, was engaged as an Anganwadi Worker(AWW), under the ICDS Project Patharkandi, Karimganj, and posted at Madhurbond Nathpara AWC, vide communication, dated 23.12.2009. It is the contention of the petitioner that she is continuing to discharge her duties in the said Anganwadi Centre. However, her remuneration for the service so rendered by her, was stopped w.e.f. April, 2022.

4. The petitioner being aggrieved by the action on the part of the respondent authorities in not permitting to continue in her service in Madhurbond Nathpara AWC and requiring her to discharge her duties at Madhurbond Lower Primary School Anganwadi Centre; had approached this Court by way of instituting a writ petition being WP(c)7299/2021. This Court

vide order, dated 17.01.2023, on noticing the issues arising therein, and on considering the rival submissions of the parties to the proceeding, proceeded to dispose of the said writ petition with a direction to the respondent authorities to allow the petitioner to work as Anganwadi Worker(AWW) in Centre No. 61 at Ward No. 6, namely, Madhurbond Nathpara AWC.

5. It was also provided that if the petitioner is working as Anganwadi Worker at Centre No. 80 in Ward No. 5; she shall immediately cease to do so and start functioning in terms of her original appointment order. The respondent authorities were also directed to examine the claim of the petitioner of not having received her remuneration since the filing of the said writ petition.

6. Mr. Purkayastha, learned counsel for the petitioner, by relying upon the contentions made in the writ petition and also the Annexures thereto, has submitted that the petitioner, all along, was discharging her service at Madhurbond Nathpara AWC and accordingly, the respondent authorities ought not to have withheld her remuneration for the services so rendered by her.

7. Mr. Baruah, learned Government Advocate, Assam, on instructions, has submitted that the contention of the petitioner, herein, that she was required to discharge her duties at Madhurbond Lower Primary School Anganwadi Centre, is clearly without any basis in-as-much as the no such directions were passed by the respondent authorities and the petitioner on her own, proceeded to discharge her duties at Madhurbond Lower Primary School Anganwadi Centre, instead of her original place of posting. It was further contended by the learned Government Advocate, Assam, that the petitioner although had initially joined at the place of posting wherein she was so

appointed; however, thereafter, she started working at the Madhurbond Centre No. 80 in Ward No. 5, on her own notion without the same being so directed by the departmental authorities.

8. It is submitted by the learned Government Advocate, Assam, that the petitioner was directed to join her service at her initial place of posting at Madhurbond Nathpara AWC and accordingly, the said directions having been so issued, the petitioner has approached this Court by way of filing a writ petition being WP(c)7299/2021. It is further contended that the directions as passed by this Court vide order, dated 17.01.2023, in the said writ petition; requiring the petitioner to continue to discharge her duties at Madhurbond Nathpara AWC, has not been complied with by the petitioner, herein, and accordingly, the petitioner not having been discharging her duties at the place of her posting; the remuneration of the petitioner has been withheld since April, 2022.

9. Given the above position and the actual place of posting where the petitioner is discharging her duties being disputed; the Director, Social Welfare, Assam, is directed to cause an inquiry into the matter, after issuing due notice to the petitioner, to ascertain as to whether the petitioner was serving at her original place of posting i.e. Madhurbond Nathpara AWC, and/or at any other place without being so directed by the competent authority and thereafter, proceed to decide as to the entitlement of the petitioner in respect of her remuneration which is stated to have been withheld since April, 2022.

10. It is further provided that in the event, the petitioner is found to be not working as per the directions of the departmental authorities; the Director, Social Welfare, Assam, and/or authority competent thereto, shall be at liberty

to take disciplinary action, as may be called against the petitioner in the matter. However, if the petitioner is found to be discharging her duties in terms of her original order of appointment; the remuneration, as due to her, be so computed by the Director, Social Welfare, Assam, and released to the petitioner.

11. The exercise, as now required to be carried-out in terms of the directions passed by this Court hereinabove, shall be so initiated and concluded within a period of 2(two) months from the date of receipt of a certified copy of this order.

12. The copy of the order, dated 29.04.2024, as produced by Mr. Baruah, learned Government Advocate, Assam, is kept as a part of the record and marked as 'X' for identification.

13. With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant