

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.550 of 2024

- 1. Smt. Dhayarung Reang @ Daya Bati Reang**
W/o- Shri Lalbeiseia Reang, R/o- Kheracherra,
VTC- Monacherra, Dist- North Tripura
- 2. Smt. Phorbati Reang @ Fharbati Reang**
W/o- Shri Debsngchi Reang, R/o- Khedacherra,
Monacherra, Dist- North Tripura,
- 3. Smt. Pusaiti Reang @ Pusairung Reang,**
W/o- Bidhayaham Reang, R/o- Kacharicherra, Dist-
North Tripura
- 4. Smt. Sabitri Reang**
W/o- Nanda Kumar Reang, R/o- Shantipur ICDS
center, Kacharicherra, Dist- North Tripura
- 5. Smt. Purenti Reang,**
W/o- Shri Birdhiram Reang, R/o- Shantipur ICDS
center, Kacharicherra, Dist- North Tripura
- 6. Smt. Jalirung Reang**
W/o- Shri Pradip Molsom, R/o- 48 Uricherra, Santipur,
Kachiacherra, Dist- North Tripura
- 7. Smt. Salukrung Reang @ Salukti Reang**
W/o- Shri Aingyak Rai Reang, R/o- Shantipurpara,
Kacharicherra, Dist- North Tripura
- 8. Smt. Gahanbati Reang,**
W/o- Botan Pranjoy Reang, R/o- Khedacherra,
Monacherra, Dist- North Tripura
- 9. Smt. Gomaiti Reang @ Gumoti Reang**
W/o- Lalnunzira Reang, R/o- Khedacherra,
Monaicherra, Dist- North Tripura

.....Petitioner(s)

- V e r s u s -

- 1. The State of Tripura**
to be represented by the Secretary, Social Welfare and
Social Education, Govt. of Tripura, New Secretariat
Building, New Capital Complex, Kunjaban, P.S- New
Capital Complex, Agartala, West Tripura, PIN- 799010

2. The Secretary

Department of Social Welfare and Social Education
Govt. of Tripura, New Secretariat Building, New capital
Complex, Kunjaban, P.S- New Capital Complex,
Agartala, West Tripura, PIN – 799010

3. The Secretary

Department of Finance, Govt. of Tripura, New
Secretariat Building, New Capital Complex, Kunjaban,
P.S- New Capital Complex, Agartala, West Tripura, PIN
- 799010

4. The Director

Social Welfare and Social Education, Malancha, Ujan
Abhoynagar, Agartala, West Tripura.

5. Child Development Project Officer

Damcherra ICDS Project, North Tripura.

6. The Union of India

to be represented by the Secretary, Ministry of
Women and Child Development, Govt. of India,
Shastriya Bhawan, New Delhi.

..... Respondent(s)

For the Petitioner (s)

:

Mr. P. Roy Barman, Sr. Adv.
Mr. J. Murasing, Adv.

For the Respondent (s)

:

Mr. M. Debbarma, Addl. GA.
Mr. B. Majumder, Dy. SGI

Date of hearing and delivery
of Judgment & Order

:

24.07.2025

Whether fit for reporting

:

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. P. Roy Barman, learned senior counsel assisted
by Mr. J. Murasing, learned counsel appearing for the petitioners and
Mr. M. Debbarma, learned Addl. GA appearing for the state-
respondents.

[2] Mr. Roy Barman, learned senior counsel submits that the petitioner Nos.1,2,4,6 & 8 were engaged as Anganwadi Workers and the petitioner Nos.3,5,7 & 9 were engaged as Anganwadi Helpers in different Anganwadi Centres under Damcherra ICDS Project, during the period of 2007-2010 and since then they were discharging their duties in their respective Anganwadi Centres to the full satisfaction of the authority. Meanwhile, the Child Development Project Officer [CDPO] of Damcherra ICDS Project issued one memorandum dated 28.12.2022 [Annexure-12 to the writ petition], mentioning that 5 Anganwadi centres situated at Khakchang Para Nos.1 to 5 where the petitioners were working as Anganwadi Workers and Anganwadi Helpers were shifted from Khakchang Para to Khahamthai Para without his consent and all Anganwadi Centres of Khakchang Para were closed (locked) with all equipments and utensils and all the Bru people were also shifted from Khakchang Para Bru camp to Khahamthai Para Bru camp in the last week of November, 2022. This memorandum also demonstrates that in this regard, a report was submitted by the CDPO, Damcherra ICDS Project to the Director Social Welfare and Social Education Department, Government of Tripura (Respondent No.4) and meanwhile, the honorarium of the petitioners was directed to be held up from the month of December, 2022 until further order.

[3] Mr. Roy Barman, learned senior counsel submits that till date no decision has been taken by Respondent no.4 in this regard, and meanwhile, the petitioners are being deprived of getting their

due honorarium. Mr. Roy Barman also submits that the engagements of the petitioners are also not cancelled and simultaneously their honorarium are also not being paid. Mr. Roy Barman strongly contends that as per rules framed by the State Government, the retiring age of Anganwadi workers and helper are 60 years and therefore, before such date, their engagement also cannot be terminated. Mr. Roy Barman, learned senior counsel, therefore, submits that all the petitioners are entitled to get their respective honorarium which was withheld from December, 2022 till date for no fault of them and they are also not being allowed to work in the said Anganwadi Centres. Mr. Roy Barman, learned senior counsel however, on query by this court, fairly admits that for the above said period, the petitioners did not discharge their duties and their engagement was on 'no-work no-pay' basis, but as for the fault of the respondents, the petitioners could not discharge their duties, the department may be asked to pay atleast 50% of the honorarium to the petitioners for above said period as the said honorarium is the only source of their income and survival. Mr. Roy Barman, learned senior counsel finally submits that shifting any Anganwadi Centre or any other establishment from one place to another place always means the change of location of the such centre/establishment but not the change of any office bearers or employee.

[4] Mr. M. Debbarma, learned Addl. G.A appearing for the state-respondents, argues that as the Bru Camp wherein Bru people were rehabilitated was shifted from Khakchang Para Bru camp to

Khahamthai Para, there was no further necessity of keeping those Anganwadi Centres operational in Khakchang Para and meanwhile, the department also started processing of engagement of Anganwadi workers and helpers for newly established Anganwadi Centres at Khahamthai Para. Mr. Debbarma, learned Addl. GA also submits that as the petitioners did not work during the said period, they are not entitled to get any honorarium.

[5] Mr. B. Majumder, learned Dy. SGI appearing for the respondent-Union of India submits that the Union of India has no role in this matter.

[6] On consideration of the submissions of both sides and also on perusal of the documents submitted by the parties, it appears from the memorandum dated 28.12.2022 that while Anganwadi Centres were shifted from Khakchang Para Bru camp to Khahamthai Para Bru camp without the consent of the CDPO, Damcherra ICDS Project, he sent a report to the respondent No.4 for taking necessary decision in this regard but nothing is produced from the side of the respondents that the respondent No.4 has taken any decision on the said report of CDPO [the respondent No.5 herein] and for unnecessarily causing delay in decision making process, the honorarium of the petitioners have been withheld in this way for indefinite period without any valid reason. Though it is a fact that the petitioners did not discharge their duties during the period from December, 2022 till date but no blame can be attached on them for that purpose as they were prevented from discharging

their duties. It is also true that without discharging their duties, they cannot claim their full honorarium. Taking note of the above facts, it appears that the submission of Mr. Roy Barman, learned senior counsel, is more acceptable. When the petitioners could not discharge their duties during that period being prevented by the respondents, the entire amount of the honorarium cannot be withheld by the respondents.

[7] Considering all these aspects and based on the discussions made above, the writ petition is partly allowed. The respondent No.4 is directed to take a conscious decision within 15[fifteen] days of receipt of the copy of this judgment and order, on the report submitted by the respondent No.5 to him/her and simultaneously, the respondent Nos.4 & 5 are also directed to release 50% of the monthly honorarium to all the petitioners computing from December, 2022 till the period their such honorarium is kept withheld in this manner. Payment of such honorarium computed upto July, 2025 should be made within 4[four] weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of.

Interim application(s), if any, also stands disposed of.

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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