

S/L 66
16.09.2022
Court. No. 19
GB

W.P.A. 19088 of 2021

Rekha Panda (Panigrahi)
VS
The State of West Bengal & Ors.

*Mr. Soumen Kumar Dutta,
Mr. Soumadip Saha.*

...for the Petitioner.

*Mr. Jahar Lal De,
Mr. Amrit Lal Chatterjee.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner was engaged as an Anganwari worker in an ICDS Project of Contai-III. The petitioner joined the post on March 12, 2001. In 2011, the petitioner was transferred to Bahitrakunda ICDS Project. The petitioner prayed for consideration and cancellation of the order of transfer, as she was facing some difficulty to join the transferred post. The petitioner also claims to have joined her duties. It is stated that from March 7, 2013 the honorarium was paid up to September 30, 2014.

It is alleged that from October 1, 2014 to March 11, 2019, the petitioner was not paid any honorarium. Accordingly, this writ petition has been filed with a claim for honorarium.

The transfer order was challenged before this Court in W.P. No.23671 (W) of 2013. The petitioner filed an application in the proceeding, with a prayer that she wanted to join the transferred post. Accordingly, a coordinate Bench of this Court disposed of the writ petition and the application,

by directing the authority to allow the petitioner to join the transferred post at Bahitrakunda Anganwari Primary School, within seven days from the date of communication of the order.

Mr. De, learned advocate appearing on behalf of the State respondents submits that in the earlier round of litigation, the prayer for honorarium had not granted. Mr. De, has filed a report, prepared by the Child Development Project Officer, Contain-III, ICDS Project. According to the said report, as per the direction of this Court, the petitioner took charge of the Anganwari Centre on March 12, 2019. She remained absent from her duties since June 18, 2019 without any intimation to the Child Development Project Officer, Contain-III, ICDS Project. Her absence was unauthorized. Another person was engaged to run the Anganwari Centre until further arrangements were made. One Kabita Mondal was given additional charge at Bahitrakunda Primary School, as the petitioner continued to be absent. It is stated that the petitioner was not entitled to any honorarium as she did not discharge her duties during the period. It is also denied that honorarium from March 7, 2013 to September 30, 2014 had been paid. Only for the period during which the petitioner discharged her duties, honorarium had been paid.

Thus, it appears from the record that the claim for honorarium as made by the petitioner in this writ petition, that is from October 1, 2014 to March 11, 2019 and thereafter, has been found to be not tenable by the authority concerned,

in view of the fact that, the petitioner did not discharge her duties.

Under such circumstances, the Child Development Project Officer, Contain-III, ICDS Project shall intimate to the petitioner, the reasons as to why the petitioner's claim for payment of honorarium would not be permissible in law. Such intimation shall be sent to the petitioner within a period of three months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order, shall be served upon the concerned authority for necessary compliance. However, if it is found on further scrutiny that any amount was due and payable for any period when the petitioner had discharged her duties, in that case, necessary steps shall be taken.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)