

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-5153-2022

Date of decision: 04.08.2022

LAXMI BAI AND ORS

...Petitioners

VS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. V.K.Yadav, Advocate,
For the petitioners.

Mr. Pankaj Middha, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

The petitioners herein, who were working as Helper/workers in the crèches set up across the State with the intent to foster better upbringing and general welfare and interest of children from six months to six years prior to their joining formal school of education and also to provide them better nutrition and home like environment during the hours when the parents are unable to look after them in order to earn their livelihood, are aggrieved as their services have been summarily dispensed with notwithstanding some of them have been into 20-25 years of service. Their representations to the competent authority have been to no avail and hence, the petitioners are before this Court.

2. On advance service, learned State counsel appears and submits that earlier the crèches were being run under Rajiv Gandhi National Crech Scheme through Central Social Welfare Board, an autonomous body along with India Council for Children Welfare, an NGO under the supervision of

Ministry of Women Child and Development, Government of India. Subsequently a policy decision was taken by Government of India whereby it was decided that all the crèches under the aforesaid scheme would be managed through the respective State Governments and the Central Government will merely release appropriate financial grants to the State Government instead of directly being involved through the Social Welfare Board and or Indian Council for Children Welfare.

3. Accordingly, after verifying the total number of crèches earlier functioning under Rajiv Gandhi National Crech Scheme, the same were taken over on as is where is basis.

4. Learned State counsel informs that in District Mohindergarh, 20 creches were found to be closed when the inspection of the premises was caused by the State Government functionaries. He informs that it is not the intent of the Government to deprive the general public of the crèches which were earlier operational and as many as 183 Creches are still being run by the department in various parts of the State and the peculiar situation has only arisen in Mohindergarh district owing to the same being not in operation when the same has been taken over.

5. Be that as it may, he submits that apart from the aforesaid 183 creches, government has taken a decision to set up 317 more crech centres including the ones to be set up in Mohindergarh district.

6. Having heard learned State counsel, the Court expects that the State Government shall implement its intent, as has been conveyed in course of arguments, as and when Mohindergarh district crech centres are either re-opened or re-set up, petitioners before this Court will be given due

consideration on sympathetic grounds and also on the principle of first come last go for being engaged as workers and helpers in the crech centres to be so set up as per the State policy. In fact department would do better by making a list of all the workers/helpers who were found to be working at the time of taking over of crèches, so that a proper seniority list is made. It would be in the interest of the department itself to avoid needless litigation if they are given priority on the basis of their length of service rendered in past.

7. Needless to say, services will be hired only subject to the work exigency as and when crèches are reopened or newly set up.

8. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

August 04, 2022,
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No