

SUNITA DEVI AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. S.S.Malik, Advocate,
For the petitioners.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to count the past service rendered by the petitioners as volunteers prior to their absorption as Anganwari Workers towards experience, eligibility and other purposes and to grant all the consequential benefits.

2. Learned counsel for the petitioners contends that as per order dated 05.02.2011 (Annexure P-2), all the volunteers of the 480 Bachpanshalas were absorbed as Anganwadi Workers and as per this order Banchpanshala was renamed as Anganwadi Centre for all intents and purposes. The services rendered by the petitioners in Bachpanshalas have to be clubbed with the services in the Anganwadi Centres for the purpose of claiming honorarium and experience certificate.

3. I have heard learned counsel for the parties and gone through the case file.

4. From the records, it appears that the petitioners were absorbed from Sarv Shiksha Abhiyan Scheme as Anganwari Workers some time in the year 2011-2012. Following condition was put in their appointment letters at the time of their absorption:-

“12.The services rendered by you as volunteer under the Sarv Shiksha Abhiyan will not be counted with Anganwari Worker service and you will be appointed as fresh Anganwari Worker.” (One sample letter is Annexure R-1).

5. Perusal of the above would reveal that it was specifically made clear and also duly agreed by the appointees that volunteer service rendered under Sarv Shiksha Abhiyan will not be considered as service for the purpose of Anganwadi Workers. In fact, on the contrary, it appears that the appointees were made aware that the appointments as Anganwadi workers were to be considered completely on fresh basis. As it turned out later on, the honorarium payable to the Anganwadi workers was later on increased by the finance department by giving benefit of the volunteer service rendered as Anganwadi workers in past which led to some heartburn amongst the petitioners and hence the instant writ petition.

6. Having perused the appointment letters and the specific clause therein and given that the appointment letters were duly accepted on the terms and conditions contained therein, there is no scope for this Court to interfere in the extra ordinary writ jurisdiction to unsettle what was long settled by mutual agreement at the time of appointment of the petitioners as Anganwadi Workers.

7 Also to be noted that in the return filed by the respondents, the defence taken is on the same lines as noted hereinabove and no additional affidavit and/or replication has been filed and, accordingly, it is safe to presume that the contents of the return remain uncontroverted.

8. Being so, I find no grounds to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

May 4, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No