

16.3.2023
Ct.19/sl..25
sn

W.P.A. 3341 of 2023

Arifa Khatun & Anr.

Vs.

Union of India & Ors.

Mr. Pankaj Halder
Mr. Tapas Manna

..for the petitioner

Ms. Rini Bhattacharyya

..for the U.O.I.

The petitioners have been engaged under the Rajib Gandhi National Creche Scheme for the children of working mothers. According to the petitioners, meagre amount of Rs.2,000/- as honorarium is being paid, that too, irregularly.

The petitioners submit that an honorarium of Rs.2,000/- was insufficient and prays for enhancement. It appears that the scheme was initiated by the Government of India, Ministry of Women and Child Development, New Delhi.

The implementing agency was the West Bengal Social Welfare Board. The records before the Court do not indicate whether the scheme is still subsisting and whether the remuneration up to a maximum ceiling of Rs.2,000/- was being paid or not. Whether the petitioners have continued to serve is also not on record.

The petitioners contend that when casual/daily rated workers engaged in different departments in

the State Government, local bodies etc. were granted enhanced remuneration from time to time, similar benefits should be extended to the petitioners, who were also engaged on casual basis under the scheme.

The petitioners have already approached the Director of Social Welfare, West Bengal, with a prayer for enhancement of remuneration in terms of Memoranda published by the State of West Bengal from time to time.

Under such circumstances, without going into the merits of the claims of the petitioners, this writ petition is disposed of with a direction upon the Director of Social Welfare, West Bengal or any other competent authority, to treat the writ petition as a representation and dispose of the same in accordance with law.

The only question to be decided would be whether the petitioners were entitled to the protection and/or benefits of the memorandum no. 9008-F(P) dated September 16, 2011, issued by the Finance Department, Audit Branch, Government of West Bengal, and/or similar memoranda subsequently issued up to 2019. All relevant issues shall be decided independently.

An opportunity of hearing shall be given to a representative of the petitioners and other interested parties.

A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)