

ML 53
05.04.2023
Court. No. 19
GB

WPA 11263 of 2022

Smt. Manasi Das
Vs
The State of West Bengal & Ors.

Mrs. Sudipa Banerjee

...for the Petitioner.

*Mr. Pinaki Dhole,
Ms. Ananya Neogi*

...for the State.

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

The petitioner has challenged the reasoned order passed on March 15, 2022 by the Child Development Project Officer, Khejuri-II, ICDS Project. The petitioner was working as an 'Anganwadi worker' under Khejuri-II ICDS Project. She was absent from discharging her duties from June 2009 to October 2019. According to the petitioner, her absence was due to political agitation and not for her own laches and negligence.

Taking a sympathetic view, the Child Development Project Officer, Khejuri-II ICDS Project directed that the petitioner may be reinstated and her situation be treated sympathetically as her inability to attend her duties were for reasons beyond her control. However, it was made clear that no remuneration/honorarium would be released between June 2009 to October 2019. The reinstatement of the petitioner would be on and from November 1, 2019. The petitioner did not go to work for ten years.

The petitioner approached this Court praying for arrears. The writ petition was disposed of directing the authority to give reasons as to why the petitioner could not be paid any arrears during the period when she was absent.

By the reasoned order, which is impugned before the Court, the authority has explained the reason for non-grant of arrear honorarium to the petitioner for the period she did not work. According to the authority, apart from casual leave and maternity leave, Anganwadi workers were not entitled to any other leave. The period of absence thus could not be regularized as leave with pay in the form of honorarium. The provision of earned leave or half pay were also not available to the workers. The leave substitute is also posted in case of leave for more than 12 days. As per the memorandum no.20852(79)-SW dated September 15, 1984 there was no provision allowing release of honorarium to the petitioner from June 2009 to October 2019 when the petitioner was absent and was not discharging her duties.

Thus, the authority has explained that under the terms and conditions of engagement applicable to the petitioner, the period of absence could not be treated as leave with pay or as extra ordinary leave. The period could not be computed to be a part of earned leave which normal employees were entitled to. The Anganwadi workers provide honorary service and they are paid honorarium.

Under such circumstances, the order impugned does not call for any interference.

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.)