

WPA 28345 of 2022
Ruma Dhara Das & Ors.
vs.
The State of West Bengal & Ors.

Mr. Partha Sarkar
Mr. Abhijit Basu

...for the petitioners.

Affidavit-of-Service filed in Court today is retained with the record.

Despite repeated service, the learned counsel appearing on behalf of the State-respondents have failed to appear before this Court.

The petitioners are working as Sahayika/Bal Sahayika under the Family & Child Welfare Projects in West Bengal. The petitioners pray for grant of salary, allowances and other benefits as declared by the Government from time to time in respect of other employees working in similar projects.

The petitioners pray for being treated as Government employees as the employees under 34 Family & Child Welfare Projects in West Bengal are treated.

They pray for being treated at par with the writ petitioners in Civil Order 3362 (W) of 1996.

By a judgment and order dated November 3, 1998 an Hon'ble Coordinate Bench of this High Court held that the writ petitioners being employees of 34 F&CWP in West

Bengal be given all the benefits that the employees of the State are entitled to.

The said order dated November 3, 1998 was implemented by an order passed by the Governor, issued by the Joint Secretary, Department of Women & Child Development & Social Welfare dated December 13, 2012. By the said order of December 13, 2012 the petitioners were given similar benefits corresponding to the State Government employees. It was also recorded in the said order that the Hon'ble Division Bench as well as the Hon'ble Apex Court dismissed the Appeals filed by the Government of West Bengal. By another order dated December 17, 2012 the various benefits of Revision of Pay and Allowances Rules, 1990 and the benefits of Career Advancement Scheme, 1990 were also given to the writ petitioners in CO 3362 (W) of 1996. The benefits of West Bengal Health Scheme 2008 and other benefits enjoyed by the State Government employees were also given to the said writ petitioners.

The petitioners pray for consideration of their representations in terms of the order dated November 3, 1998 and the memorandums dated December 13, 2012 and December 17, 2012.

Considering the submissions made on behalf of the petitioners and the materials placed on record this Court is of the view that the representations of the petitioners

dated February 10, 2020 should be disposed of by the Respondent No. 3/ the Joint Secretary to the Government of West Bengal, Department of Women & Child Development and Social Welfare within a period of 8(eight) weeks from date upon giving a personal hearing to the petitioners. A reasoned order shall be passed and communicated to the petitioners within 2(two) weeks of passing thereof.

In consideration of such representations the order dated November 3, 1998 and the memorandum dated December 13, 2012 and December 17, 2012 will be taken into consideration.

If the petitioners are found eligible to the benefits given under the aforesaid memorandums given to the employees of 34 Family & Child Welfare Projects, the same shall be extended to the petitioners within three months from the date of passing of the reasoned order.

With the directions aforesaid, **WPA 28345 of 2022 is disposed of.**

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)