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19.08.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 5877 of 2021

**Ferdowes Ara Begum
-versus
The State of West Bengal & Ors.**

**Mr. Haradhan Mondal.
...For the Petitioner.**

**Mr. Rezaul Hossain.
...For the State.**

**Mr. Md. Sarwar Jahan,
Ms. Tapati Sarkar.
...For the Mission Director.**

Report in the form of affidavit on behalf of the respondent no. 4 filed in Court today is taken on record.

The petitioner was serving as Sahayika in a Sishu Siksha Kendra. Her engagement was not renewed in the year 2006. She raised an objection before the concerned authority. The District Panchayat and Rural Development Officer and the District Nodal Officer, SSK/MSK, Birbhum ('DPRDO' for short) vide order dated 11th November, 2008 held that the decision of the Managing Committee not to renew the service of the petitioner appears to be unfair and against the principles of natural justice.

The DPRDO directed the respondents to consider the representation for engagement, if made, by the petitioner and take necessary steps to clear honorarium if due to the petitioner after observing the rules in force.

The petitioner prayed for implementing the order dated 11th November, 2008 passed by the DPRDO by filing writ petition being WPA 9526 (W) of 2009. By order dated 29th July, 2010, the Court disposed of the writ petition by directing the petitioner to communicate the order to the concerned respondent for implementation.

In compliance of the order passed by the Court on 29th July, 2020, the petitioner was reengaged in service on and from 25th October, 2010. She attained the age of 65 years in September 2020. For the entire period from October 2010 till September 2020 she remained in service and received honorarium. She never raised any grievance or allegation regarding non-payment of honorarium for the period during which she was out of service.

In November 2020, she made a representation before the Executive Officer of the Panchayat Samity alleging that she was not being paid honorarium from October 2020.

The Executive Officer of the Panchayat Samity by communication dated 31st December, 2020 intimated the petitioner that as per the official records her date of birth is 2nd September, 1955 and she completed 65 years of age on 1st September, 2020. The upper age limit for retirement of Sahayika is 65 years.

On attaining the age of 65 years, the petitioner had been paid the cessation fees of rupees one lac.

Presently, the petitioner prays for a direction upon the respondent authorities to consider releasing her honorarium for the period during which she was not allowed to serve from the year 2006 to 2010.

It appears that as long as the petitioner was in service she never raised any grievance presumably because she was aware that her service contract was not renewed and as she did not work in the subject period. She would not be entitled to any honorarium.

The prayer of the petitioner for grant of honorarium for the period 2006 to 2010 during which she did not perform service cannot be entertained at such belated point of time.

The fact that she did not raise any grievance from the period 2010 to 2020 implies that she waived her right to raise such issue in future.

In view of the above, the relief claimed by the petitioner cannot be allowed.

The writ petition stands dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)