

20.06.2024
Court No.13
Item No.5
AP

WPA 23337 of 2023

Chaitali Paul
Vs.
The State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay
Ms. Basabi Raichudhury
Mr. Soumen Biswas

... For the petitioner.

Mr. Tapan Mukherjee
Ms. Sangeeta Roy

... For the State.

1. Accommodation is sought for the third time today by the State for filing a report. By an order dated 12th December, 2023 this Court had directed such report to be filed. This Court is not inclined to give any further accommodation to the State.

2. It appears from the records that the writ petitioner has been working satisfactorily as a Facilitator under the Chopra ICDS Project under the CDPO Chopra, Uttar Dinajpur since 2009. She claims that her remuneration remains unchanged from 2009 till date.

3. The writ petitioner seeks enhancement of wages, salary and remuneration as originally granted, inter alia, to contractual workers in terms of the Finance Department Memo No.9008-F(P) dated 16th September, 2011. The remuneration stipulated in the said circular was revised from time to time and lastly in the year 2024.

4. The petitioner's case for enhancement of remuneration was recommended by the CDPO, Chopra,

Uttar Dinajpur on 15th March, 2021. The work of the petitioner appears to be satisfactory as would appear from the records annexed to the writ petition.

5. Mr. Mukhopadhyay has placed an order dated 11th March, 2024 passed by a Division Bench of this Court in FMA 571 of 2023 (Rabiul Islam Molla & Ors. Vs. State of West Bengal & Ors.). By the said order the Division Bench has directed the Chief Secretary of the State to consider permanent absorption of Facilitators in ICDS Projects in the employment of the State and/or under the scheme.

6. While the engagement of the facilitator is co-extensive of the scheme in question, the continuation of the scheme for well over 20 years indicates the need for the same. This, further supported by the facts in FMA 571 of 2023 (supra), who are also Facilitators under the ICDS Projects, have either been continuously engaged despite their engagement and/or re-engagement being contractual for one year.

7. In the instant case, the petitioner appears to be continuously engaged from the year 2009 till date. The Court is of the view that the writ petitioner clearly falls within the meaning and scope of the original Memo No.9008-F(P) dated 16th September, 2011 as modified from time to time.

8. The writ petitioner is, therefore, clearly entitled to the benefits of the said circular.

9. In these circumstances, this Court directs the District Magistrate, Uttar Dinajpur to revise the writ petitioner's remuneration forthwith in terms of the abovementioned circular, which was modified from time to time and as applicable as on date.

10. Let all arrears payable to the petitioner be released to her within a period of 45 days from the date of communication of a copy of this Court along with a copy of the writ petition.

11. Needless to mention that the case of absorption of the writ petitioner shall be considered by the Chief Secretary of the State as already directed by the Division Bench in the order dated 11th March, 2024 (supra) as expeditiously as possible.

12. With the aforesaid directions, the writ petition is disposed of.

13. Let a copy of the order dated 11th March, 2024 (supra) be kept with the record.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)