

W.P.A. 27215 of 2017

**Smt. Rupali Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Amitesh Chakraborty
...for the petitioner

Mr. Bibek Jyoti Basu
Mr. Ranjit Rajak
...for the State

Writ petition has been instituted, *inter alia*, praying for consideration of the representation which is at page 30 of the writ petition whereby the petitioner being the President of Swachhata Doot Workers Union made representation for non-payment of remuneration from September, 2014 till date.

Report in the form of affidavit has been affirmed by the Block Development Officer, Bongaon Block, District-North 24 Parganas stating that there was no sanitation work in the concerned block as the area was declared open defecation free area. Therefore, the work which was required at the relevant point of time was not needed after such declaration.

Having considered the submissions made on behalf of the parties and considering the report filed in the form of affidavit it appears that members of Swachhata Doot Workers Union were engaged in terms of engagement notice dated 31st November, 2012 and the concerned

Block Development Officer issued notice of engagement of Swachhata Doot vide memo dated 26th December, 2012. Accordingly, the members of Swachhata Doot Workers Union were engaged as Swachhata Doot and worked under Nirmal Bharat Abhiyan (NBA) Scheme. During period of their engagement the members of the union were paid honorarium, but subsequently the area in question was declared open defecation free and Nirmal Bharat Abhiyan was stopped accordingly.

In view of non continuation of NBA Scheme the representation which was made by the petitioner's union for payment of honorarium with effect from September, 2014 could not be granted. Since the members of petitioner's union were engaged under NBA Scheme no right accrues in favour of those members to work perpetually on payment of honorarium even after closer of the Scheme.

In view of aforesaid scenario the prayer made on behalf of the petitioner cannot be acceded to. Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)