

CWP-5281 of 20201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205CWP-5281 of 2020
Date of Decision:22.08.2024

Jagmati Devi
....Petitioner
Versus

State of Haryana and others
.....Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.
Ms. Vibha Tewari, AAG, Haryana

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for direction to release the honorarium amount of Rs.1,04,000/- for the period from February 2017 to May 2017 and Rs.90,500/- for a period from 21.09.2016 to January 2017 and June 2017 to October 2017 with interest @24% per annum.
2. Learned State counsel refers to the written statement filed by the Joint Director, Women and Child Development Department, Haryana specific to para No.2, the relevant of which reads thus:-

“That during th esaid period the norms per sitting of member of Child Welfare Committee as mandated under Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and Guidelines of Govt. Of India are as under:-

Sr. No.	Period	Rules/Govt. of India Guidelines
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1.	21 st September, 2016 to January 2017	That the Chairpersons/ Members were paid Rs.1000/- per sitting (as per ICPS norms) prior to November 2017 and thereafter Rs.1500/- per sitting. As per Section 16(1) “The Chairperson and members of the committee shall be paid such sitting allowances, travel allowances and any other allowances, as the State Government may prescribed but not less than Rs.1500/- per sitting.” It is stated that as per sanction released by Government of India honorarium of members was approved @ Rs.1500/- per sitting from date of approval of Cabinet i.e. November 2017. The copy of letter issued by GOI dated 23.03.2018 is here with annexed as Annexure R-3. As per Rule 16(7) of Juvenile Justice Model Rules, 2016 “the committee shall sit on all working days for a minimum of six hours commensurate with the working hours of a magistrte court, unless the case pendency is less in a particular district and the State Government concenred issues an order in this regard.
2.	February 2017 to May 2017	
3.	June 2017 to October 2017	

3. That petitioner was nominated on the post of member of District Child Welfare Committee, Karnal. The District Child Welfare Committees are constituted and established under Intergrated Child Protection Scheme (ICPS). Integrated Child Protection scheme primary purpose to create a central structure to provide oversight and standardization for pre-existing and evolving child protection schemes in India. The Intergrated Child



Protection Scheme is being centrally sponsored scheme of the Government of India, all states including State of Haryana receive funds from the Government of India for its proper implementation, payment of honorarium to Chairpersons/Members of Child Welfare Committee/Junveile Justice Boards etc. and salaries of staff under said Scheme. The said scheme is a centrally sponosred scheme of Govt. Of India which is implemented by the State Government in cost sharing basis with bulk expenditure being born by the Centre Government.

4. That petitioner was nominated as Member of Child Welfare Committee, Karnal on 08.01.2014 for five years or till expiry of Child Welfare Committee whichever is earlier in compliance of provisions of section 29 of Juvenile Justice Act, 2009 (as amended Act in 2006 & 2015) and Rules thereof from the date of nominated. She retired on 07.01.2019.
5. That the Child Welfare Committee were allowed 12 sittings per month prior to April 2015 and thereafter sittings exceeding 12 were allowed **Annexure R-1**.
6. That the Chairpersons/Members were paid Rs.1000/- per sitting prior to November 2017 and thereafter Rs.1500/- per sitting. As per sanction released by Government of India honorarium of Chairpersons/Members were approved @ Rs.1500/- per sitting from date of approval of Cabinet i.e. November 2017. The letter dated 23.03.2018 is here with annexed as Annexurfe R-3.
7. That the Ministry of Women and Child Development, Government of India vide their letter dated 02.12.2017 enhanced sitting allowances of Chairpersons/Members of Child Welfare Committees and Members of Juvenile Justice



Boards from Rs.1000/- to Rs.1500/- per sitting in accordance with new Juvenile Justice Act, 2016. However, as per sanction released by Government of India honorarium of Members was approved @ Rs.1500/- per sitting from date of approval of Cabinet i.e. November 2017. Copy of letters dated 02.12.2017 and 23.03.2018 are annexed as **Annexure R-2** and **R-3** respectively and the same instructions were conveyed by the office of answering respondent to all District Programme Officers in the State of Haryana vide letter dated 13.04.2018 are annexed as Annexure R-6.”

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9. That the petitioner was attended only seven meetings during the period of February 2017 to May 2017 for six hours duration as per the attendance records (**Annexure R-4**). The honorarium of Rs.7000/- for these seven meetings has been paid to the petitioner. Further, as per Rule 16(7) of Juvenile Justice Model Rules, 2016 **“the committee shall sit on all working days for a minimum of six hours commensurate with the working hours of a magistrate court, unless the case pendency is less in a particular district and the State Government concerned issues an order in this regard:”**

3. The above has not been rebutted by filing any replication. Moreover, there was no representation on behalf of the petitioner on 01.04.2024 and even on the last date of hearing i.e. 10.07.2024 time had been sought, however today again none appears.

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(AMAN CHAUDHARY)
JUDGE

: Yes/No
: Yes/No