

**HIGH COURT OF TRIPURA
AGARTALA**

WA No. 83 of 2024

1. The State of Tripura, To be represented by the Secretary, Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010.
 2. The Secretary, Department of Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN- 799010.
 3. The Secretary, Department of Finance, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.-New Capital Complex, Agartala, West Tripura, PIN- 799010.
 4. The Director, Social Welfare and Social Education Malancha, Ujan Abhoynagar, Agartala, West Tripura.
 5. Child Development Project Officer, Teliamura ICDS Project, Khowai, Tripura.
 6. Child Development Project Officer, Kanchanpur ICDS Project, Kanchanpur, North Tripura.
 7. Child Development Project Officer, Satchand ICDS Project, South Tripura.
 8. Child Development Project Officer, Kadamtala ICDS Project, North Tripura.
 9. Child Development Project Officer, Kumarghat ICDS Project, Unokoti, Tripura.
 10. Child Development Project Officer, Jirania ICDS Project, West Tripura.
 11. Child Development Project Officer, Ranirbazar ICDS Project, West Tripura.
-Appellant(s)**

VERSUS

1. Smt Bina Rani Paul, W/O. Lt. Pratap Paul, R/O. Vill-Rabindranagar, Kanchanpur, Pin- 799270.
2. Smt Bhanu Banik, D/O. Lt. Balaram Banik, R/O. Satchand, South Tripura, Tripura, Pin- 799143.
3. Smt. Mamata Nath, W/O. Sitangshu Nath, R/O. Vill- Srirampur, Kanchanpur, North Tripura.
4. Smt. Pranati Sarkar, W/O. Lt. Amal Kumar Deb, R/O. Vill- Baruakandi, Dharmanagar, North Tripura, Pin- 799251.
5. Smt. Tapan Bala Deb, R/O- Netajinagar, kanchanpur, Dist- North Tripura, Pin- 799270.
6. Smt. Chanchala Sharma, W/o- Jitendra Sharma, R/o- Uttar Pabia Charra, P.O- Kumarghat, PIN- 799264.

7. Smt. Jamuna Ghosh, Smt. Jamuna Ghosh, W/o- Suchir Ch. ghosh, P.O- Briddha Nagar, Ranirbazar, Tripura, PIN- 799035.
8. Smt. Suniti Debnath, W/o- Lt. Krishna Debnath, R/o- Ward No.- 3 Near Durganagar ICDS Center, Vill Krishnanagar, P.O- Ranirbazar, Mouja- Majlishpur, Tripura, Pin- 799035.
9. Smt. Alo Rani Das, W/o- Lt. Sunil Ch. Das, R/o- Vill- Bartan, Mohanpur, P.S.- Ranirbazar, P.O- Majlishpur, Tripura.
10. Smt. Gita Das, W/o- Lt. Nikunja Bihari Das, R/o- Vill- Baldakhal, West Champamura, Boudhjungnagar, Pin- 799008.
11. Smt. Dipali Debnath, W/o- Tarani Kanta Debnath, R/o- Laxmipur, Kobrakhamar, Tripura, PIN- 799035.
12. Smt. Kajalbala Nama, W/o- Lt. Makhan Sarkar, R/o- Vill- Paschim Nagar, Kebrampara, Pashnim Noagaon, P.S- Ranirbazar, P.O- Purbanagar, Tripura, PIN- 799035.
13. Smt. Kamala Debnath, W/o- Ranjit Debnath, R/o- Vill- Majlishpur, Mohanpur, P.S- Ranirbazar, Tripura.
14. Smt. Gita Rabi Das, W/o- Sridam Rabi Das, R/o- Vill- Mekhipara, Ranirbazar, Tripura, Pin- 799035.
15. Smt. Gita Rani Bhowmik, W/o- Monoranjan Choudhury, R/o- Vill- Purba Radhanagar, Ranirbazar, P.O- Purbanagar, Tripura, Pin- 799035.
16. Smt. Shefali Debnath, W/O- Arun Debnath, Vill- Pashchim Noagaon, P.O- Purba Noagaon, Ranirbazar, Tripura, Pin- 799035.
17. Smt. Dipu Chakraborty, W/o- Benulal Chakraborty, R/o- Vill- Majlishpur, West part of hospital, P.S.- Jirania, Pin- 799035.
18. Smt. Niva Chakraborty, W/o- Harendra Kumar Bhowmik, R/o- Nalgaria, P.O and P.S- Ranirbazar, Tripura, Pin- 799035.
19. Smt. Parul Das, W/o- Lt. Ajit Kr. Das, R/o- Vill- Bridhyanagar, Ranirbazar, Jirania, Pin- 799035.
20. Smt. Smriti Majumder, W/o- Subodh Ch. Majumder, R/o- Vill- Sukanta Palli, Sabroom Manubazar, South Tripura, Pin- 799143.
21. The Union Of India, To be represented by the Secretary, Ministry of Women and Child Development, Govt. of India, Shastriya Bhawan, New Delhi.
.....Respondent(s)

WA No.124 of 2024

1. The State of Tripura, To be represented by the Secretary, Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN- 799010.
2. The Secretary, Department of Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN- 799010.

3. The Secretary, Department of Finance, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.-New Capital Complex, Agartala, West Tripura, PIN- 799010.
 4. The Director, Social Welfare and Social Education Malancha, Ujan Abhoynagar, Agartala, West Tripura.
 5. Child Development Project Officer, Teliamura ICDS Project, Khowai, Tripura.
 6. Child Development Project Officer, Kanchanpur ICDS Project, Kanchanpur, North Tripura.
 7. Child Development Project Officer, Satchand ICDS Project, South Tripura.
 8. Child Development Project Officer, Kadamtala ICDS Project, North Tripura.
 9. Child Development Project Officer, Kumarghat ICDS Project, Unokoti, Tripura.
 10. Child Development Project Officer, Jirania ICDS Project, West Tripura.
 11. Child Development Project Officer, Ranirbazar ICDS Project, West Tripura.
-Appellant(s)**

Versus

1. Niyati Rani Roy, CO- Monaranjan Das, RO- Jagahari Mura Kalibari, PO Collagetilla, PS-West Agartala, Tripura.
2. Biplabi Saha, WO- Bidhubushan Saha, RO- Gomati Tripura, PO Gokulpur, Tripura.
3. Jirmani Marak, WO-Mirendra Marak, RO- South Tripura.
4. Nabami Marak, WO-Sunirmal Marak, RO- Hatipara Chandrapur, Dist-Gomati.
5. Anima Dey Bhatta, CO- Binoy Krishna Bhatta, RO- North Kashipur, PO-Rasham Bagan.
6. Mamata Sarkar, CO-Lt. Lalu Sarkar, RO- Rajnagar, PO- Agartala, Tripura.
7. Sita Rani Debnath, CO- Lt. Upendra Debnath, RO- West Ratacharra, Unakoti Tripura.
8. Kalpana Das, C/O- Amalya Das, R/O- Dumduma Das para, P/O-Sabroom, P/S- Sabroom, Pin-7991457.
9. Kalpana Debnath, C/O- Subas Debnath, R/O- Jogendranagar, P/O Jogendranagar, P/S- West Agartala, Tripura.
10. Mira Roy, W/O- Lt. Nripendra Saha, R/O- Khayerpur Madhya para, P/O-Khayerpur, P/S- Bridhyanagar, Pin- 799008.
11. Gopa Ghatak, W/O- Anil Chandra Ghatak, R/O- Sukantanagar Mani Kanchan Para, P/O- S.B.C. Nagar, Dist- South Tripura.
12. Sadhana Dey, C/O- Narayan Dey, R/O- Bordowali, P/O- A.D. Nagar, P/S- A.D. Nagar, Ward No- 40, Agartala, Tripura.

13. Gita Biswas Debnath, C/O- Mitali Debnath, R/O- Anandanagar, P/S- Srinagar, Agartala, Tripura.
14. Pratima Das, W/O- Lt. Sukhamoy Das, R/O- Kanchan Bari, Unakoti Tripura, Pin-799288.
15. Niva Datta, W/O-unknown R/O-Siddhi Ashram, P/O-Siddhi Ashram P/S- Amtali, Dist- West Tripura.
16. Minati Biswas, C/O- Satandra Chandra Biswas, R/O- East Badharghat, P/O- Dukli Madhuban, Agartala, Tripura.
17. Mira Rani Sharma, C/O- Shontosh Debnath, R/O- Ichamuya, Reshambagan, P/O- Reshambagan, Agartala, Tripura.
18. Purnima Matrak, W/O- Kucha Matrak, R/O- Purbachandrapur, P/S-Udaipur, Tripura.
19. Kalpana Malakar, W/O- Lt. Dharendra Malakar, R/O- Vill- Nayapattan, P.O- Tilabari, Kailashahar, Unakoti Tripura.
20. Mira Malakar, WO- Lt. Bijoy Malakar, R/O- Vill- Kubjar, P.O. Kailashahar, Unakoti Tripura.
21. The Union of India, To be represented by the Secretary, Ministry of Women and Child Development, Govt. of India, Shastriya Bhawan, New Delhi.

.....Respondent(s)

WA No. 131 of 2024

1. The State of Tripura, To be represented by the Secretary, Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.
2. The Secretary, Department of Social Welfare and Social Education, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.
3. The Secretary, Department of Finance, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.
4. The Director, Social Welfare and Social Education Malancha, Ujan Abhoynagar, Agartala, West Tripura.
5. Child Development Project Officer, Teliamura ICDS Project, Khowai, Tripura.
6. Child Development Project Officer, Urban ICDS Project, Badharghat, West Tripura.
7. Child Development Project Officer, Rajnagar ICDS Project, South Tripura.
8. Child Development Project Officer, Kalyanpur ICDS Project, Khowai, Tripura.
9. Child Development Project Officer, Teliamura ICDS Project, Khowai Tripura.

10. Child Development Project Officer, Agartala-2 ICDS Project, Agartala West Tripura.
11. Child Development Project Officer, Matabari ICDS Project, Udaipur, South Tripura.
12. Child Development Project Officer, Dukli ICDS Project, West Tripura.
13. Child Development Project Officer, Kailashahar District HQ ICDS Project, Unakoti, Tripura.
14. Child Development Project Officer, Karbook ICDS Project, Gomati, Tripura.
15. Child Development Project Officer, Gournagar ICDS Project, Gournagar, Unakoti.
16. Child Development Project Officer, Kumarghat ICDS Project, Unakoti, Tripura.
17. Child Development Project Officer, Satchand ICDS Project, South Tripura.
18. Child Development Project Officer, Mungiakami ICDS Project, Khowai Tripura.
19. Child Development Project Officer, Belonia ICDS Project, South Tripura.
20. Child Development Project Officer, Ambassa ICDS Project, Ambassa Dhalai.
21. Child Development Project Officer, Kakraboron ICDS Project, Gomati Tripura.

.....Appellant(s)

Versus

1. Anita Roy, C/O- Priya Ranjan Karmakar R/O- Dhaleshwar Kamarpukur par, P.O- Dhaleshwar Kamarpukur par, Agartala, Tripura.
2. Minati Datta, C/O- Shyamal Sengupta, R/O- South Ramnagar P.E.C. Batta, Near Western Club, P/O- Agartala(West Tripura)Pin-799001.
3. Dipali Ghosh, W/O- Bishnupada Ghosh, R/O- Hairmura, P/O-S.D. Mission, Tripura.
4. Sandhya Deb, C/O- Late. Jamini Deb, R/O- Durgachowmuhani, Ramnagar-11 near Rajlaxmi kali mandir Acharjee para, P/SRamnagar-6, Agartala, Tripura.
5. Dali Datta, W/O- Ratan Datta, R/O- Milan Sangha (Bordowali), P/O-A.D. Nagar, P/S- A.D. Nagar, Agartala, Tripura.
6. Fulu Rani Dey, C/O- Kalal Chandra Datta, R/O- Anandanagar, P/OAnandanagar, P/S- Sreenagar, Agartala, Tripura.
7. Ila Chakraborty, C/O- Ratan Chakraborty, R/O- Bardowali Madhya para, P/O- A.D. Nagar, P/S- A.D. Nagar, Agartala, Tripura.
8. Niva Acharjee, D/O- Madhusudhan Acherjee, R/O- Kishnanagar Nazir pukur par, P/O- Agartala, Pin- 799001.

9. Anju Chowhan, R/O- South Ramnagar P.C. Brick Field, Agartala, West Tripura.
10. Shipra Deb Lodh, W/O- Niresh Lodh, R/O- Badharghat Matripalli, P/O- A.D. Nagar, Agartala, Tripura, Pin-799003 W-No (46).
11. Mahamaya Chowdhury, D/O- Ramendra Chowddury. R/O- West Joynagarm Dashamighat near Mahabir club, P/O- Agartala, Word No-36, Agartala, Tripura.
12. Gayantri Bhattacharjee, C/O- Late Joytindra Chakraborty R/O Garjanmura, Word No-1, Gomati Tripura.
13. Shovana Das, C/O- Late Naresh Das, R/O- Rajdhar Nagar, P/O Jamjuri. P/S- Kakraban, Dist- Gomati Tripura.
14. Rasamati Bhowmik, C/O- Arun Debnath, R/O- South Chandrapur, Ward-2, Gomati Tripura.
15. Kamala Debnath, C/O- Late Sunil Debnath, R/O- South Murapara, Gomati Tripura.
16. Bhanu Saha Shil, C/O- R/O- Balaram Das Para, P/O- Paschim Balaram, P/S- Ambassa, Dist- Dhalai Tripura.
17. Manuara Begam, W/O- Lal Miah, R/O- North Ekchhari, P/O- Jatan Bari, P/S- Nutan Bazar, Dist- Gomati, Tripura.
18. Siuli Das Sarkar, C/O- Late Bijoy Kr. Sarkar, R/O- Salgara Debar Per, Dist- Gomati, Tripura.
19. Sefali Debnath, C/O- Late Matilal Debnath, R/O- Uttar Salgara, Word No-4, Tripura.
20. Shibani Malakar, D/O- Barindra Malakar, Dist- Kailashahar, Tripura.
21. Ratna Bhattacharjee, C/O- Sudhir Bhattacharjee, R/O- Krishnanagar, Agartala, Tripura.
22. Smriti Chakraborty, C/O- Late. Bishanath Chakraborty, R/O- Badharghat Madhya Para, P/O- A.D. Nagar P/S- A.D. Nagar, Agartala, Tripura.
23. Mamata Deb, W/O- Gopal Prasad Paul, R/O- Kalitila Jeliamura, P/O- Jeliamura, P/S- Jeliamura, Tripura.
24. Rita Banik, W/O- Jyatilal Das, R/O- Sandhipara Agartala, P/O- Agartala, Head Post Office, Dist- West Tripura, Word No-20, Pin-799001.
25. Archana Roy Majumder, C/O- Sisir Chandra Majumder, R/O- North Badharghat, P/O- A.D. Nagar, Dist- West Tripura, Pin-799003.
26. Minati Das, W/O- Shudhangshu Das, Dist- Kailashahar, Tripura.
27. Rinku Ghosh Roy, C/O- Lt. Sambhu Roy, R/O- Joynagar Agartala, Dist- West Tripura.
28. Bhanu Shil, C/O- Sunny Shill, R/O- Bholananda Palli, P/O- Kathal Bagan, Dist- West Tripura, Pin- 799006.
29. Jaya Bhattachariya, C/O- Lt. Debasish Bhattachariya, Dist- West Tripura.
30. Ratna Sarkar, W/O- Bishanath Sarkar, R/O- East Baghat, P/O- Madhuban, P/S- Amtali, Agartala, Tripura.

31. Janapriya Debnath, W/O- Krishna Debnath, R/O- Araliya, P/OAraliya, Agartala, Tripura.
32. Anjana Roy (Chakraborty), W/O- Lt. Dulal Chakraborty. R/O- Boulapasha, P/O- Kailashahar, P/S- Kailashahar, Pin- 799277.
33. Fulu Bhattacharjee, W/O- Rakesh Bhattacharjee, R/O- East Badharghat, P/O- Madhuban, P/S- Amtali, Agartala, Tripura.
34. Sikha Saha, C/O- Nirode Baran Roy, R/O- Badharghat Railway Station, P/O- Siddhi Ashram, District- West Tripura.
35. Minati Majumder, W/O- Ranjit Kumar Datta, R/O- Shaltila para Belonia, P/O-Belonia, P/S- Belonia, Pin-799155, Tripura.
36. Krishneswari Deb Barma, W/O- Rabindra Deb Barma R/O- Nutan Garia dafadar para, P/O- Baramaidan, P/S- Kalyanpur, District- Khowai, Tripura.
37. Lalremliani Darlong, C/O- Dr. N Darlong. R/O- East Beteherra Darlong para, Kumarghat Unakoti Tripura, Pin- 799264.
38. Sumita Sinha, W/O- Pratap Sinha R/O- Goldharpur, P/OGoldharpur, P/S- Kailashahar Tripura, Pin-799279.
39. Malina Saha Das, W/O- Krishna Das, R/O- Jogendranagar, P/OJogendranagar, P/S- West Agartala, Tripura.
40. Silu Pal, W/O- Nirmal Pal, R/O-East Kanchanlari Nutan Bazaar Kumargaht, Unakoti Tripura, Pin-799264.
41. Shyamali Bhattacharjee Datta, C/O- Shishir Bhattacharjee, R/O Srirampur, Kailashahar, Unokoti Tripura, Pin-799277.
42. Mira Saha, C/O-Soutam Roy, R/O- M.B Tilla, P/O- A.D Nagar, Agartala, Tripura.
43. Jaya Bhattacharjee, C/O- Lt. Sambhu Roy, R/O- Kshirode Sen Lane Joynagar, Agartala, Tripura.
44. Gita Biswas Bhowmik, W/O- Krishna Dhan Bhowmik, R/O. Madhyapara Belonia, P/O- Belonia, Tripura, Pin-799155.
45. Anita Dey, W/O-Milan Krishna Majumder, R/O- Sabroom, Amtali, P/O- Sabroom, P/S- Sabroom, Tripura, Pin-79914.
46. Sandhya Nag, W/O- Nikunja Behari Debnath, R/O- Kalinagar, P/OBelonia, P/S- Belonia, Dist- South Tripura, Pin-799155.
47. Chinu Chakraborty, C/O- Ranjit Chakraborty, R/O-Giridhari Para, P/O- Belonia, Dist- South Tripura, Pin- 799155.
48. Sipra Das Deb, W/O- Haripada Deb, R/O- Fatikroy, P/S- Fatikroy, Dist- Unakoti, Tripura, Pin-799290.
49. Mankhu Das, W/O- Sadhanch Das, R/O- Reshambagan, P/OReshambagan, P/S-West Agartala, Tripura.
50. Bina Bhattacharjee, W/O Lt. Manik Talapatra, R/O- Gokulnagar, P/S- Fatikroy, Dist-Unakoti, Tripura, Pin-799290.

51. Pranati Paul Datta, W/O- Bhola Datta, R/O- Sukantanagar North Belonia, P/O- S.B.C. Nagar, P/S- Belonia, Dist- South Tripura.
52. Sabitri Debbarma, W/O- Harendra Debbarma, R/O- Darpa Narayan Para, P/O- Uttar Maharanipur, P/S- Mungiakami, Tripura.
53. Sabita Majumder, C/O-Nitai Chandra Roy, R/O- Rajib Corner, P/OBelonia, P/S- Belonia, Dist- South Tripura, pin- 799155.
54. Ratna Rani Paul, W/O- Narayan Chandra Routh, R/O- West Piparia Khola, P/O- Abhoya Ganj Bazar, P/S- P.R Bari, Dist- Belonia, South Tripura, Pin- 799155.
55. Kalyani Chakraborty, C/O- Lt. Sarada Charan Chakraborty, R/OArundhati Nagar, P/O- S.D Mission, P/S- A.D Nagar, Agartala, Tripura Pin- 799003.
56. Sandhya Rani Debbarma, W/O- Ranu Kumar Debbarma, R/O-Dinadayal sandha para Teliamura, Dist- West Tripura.
57. Ananda Laxmi Debbarma, W/O-Biswa Kumar Debbarma, R/OHowaibari Teliamura West Tripura, P/O-Howaibari.
58. Shikha Rani Saha, W/O- Lt. Sudhir Chandra Saha, Vill- Durgapur (Saha Para near Village Office), P.O- Sarma, P.S- Gandachara, Dhalai, Tripura, Pin- 799284.
59. Mallika Mog Choudhury, W/O- Afrusi Mog, R/O- Vill- Paschim Nalichara, P.O- Kulai Bazar, P.S- Ambassa, Dist- Dhalai, Pin- 799204.
60. Gita Saha, W/O- Lt. Amritlal Saha, R/O- Durgapur, Gandachara G/P, Tripura.
61. Manju Chakraborty, W/O- Bikram Chakraborty, R/O- Arundhuti Nagar Road No-8, Beltali, P.O- A.D Nagar, Agartala, West Tripura, Pin-799003.
62. Swapna Ghosh Fatima Begum, D/O- Abdul Kaddus, P.O. Tilabazar, kailashahar, Unakoti, Tripura.
63. Maya Malakar, W/O- Abani Malakar, R/O- Naya Paltan, P.O.Tilabazar, Kailashahar, Unakoti Tripura.
64. Gita Rani Jamatia, W/O- It. Surjakisur Jamatiya, R/O- Totabari, Gomati, Tripura.
65. The Union of India, To be represented by the Secretary, Ministry of Women and Child Development, Govt. of India, Shastriya Bhawan, New Delhi.

.....Respondent(s)

For Appellant(s)	: Mr. S.M. Chakraborty, Advocate General, Mr. P. Gautam, Sr. G.A., Mr. Kohinoor N Bhattacharya, G.A., Mr. D. Sarma, Addl. G.A.
For Respondent(s)	: Mr. B. Majumder, Dy. SGI, Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Kawsik Nath, Advocate, Ms. Aradhita Debbarma, Advocate, Mr. Dipjyoti Paul, Advocate.

Date of hearing : 10.03.2026.
Date of pronouncement : 09.04.2026.
Whether fit for reporting : YES

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

- 1) W.A.No.83/2024 is filed by the Appellants challenging the judgment dt.. 09.05.2024 of the learned Single Judge in WP(C) 624/2023.
- 2) W.A. No.124 of 2024 and W.A. No.131 of 2024 are filed by the Appellants challenging the common judgment dt. 3.7.2024 of the learned Single Judge in WP(C) 58/2024 and W.P.(C).No.59 of 2024.
- 3) Since common issues of law arise for consideration, these matters are being disposed of by this common judgment. For sake of brevity the facts in W.A.No.83/2024 are mentioned below.
- 4) The private respondents in this Writ Appeal are Anganwadi Workers (for short AWWs) and Anganwadi Helpers (for short AWHs) engaged under Integrated Child Development Scheme (ICDS) at different Anganwadi Centres on different dates. Their engagement was discontinued on different dates between 2021 to 2023,after they had attained the age of retirement of 60 years.
- 5) All the respondents had given representations in July, 2023 to the Director of Social Welfare and Social Education, Government of Tripura (Appellant No.4) to provide them gratuity and other post retiral benefits, but

through the proceeding dt 11.08.2023 he held that they are not entitled to gratuity.

The order dt.11.8.2023 of the Appellant no.4

6) In the said order, the Appellant No.4 stated that the State Government had introduced a Monthly Pension Scheme / One Time Financial Benefit to the AWWs and AWHs after attaining 60 years of age and who had put in continuous minimum 10 years of service in that capacity subject to execution of options for availing of the same; that the monthly pension fixed was Rs.750/- per month for AWWs and Rs.500/- per month for AWHs; and one time financial benefit was of Rs.50,000/- for AWWs and Rs.30,000/- for AWHs.

7) According to him, the request for payment of gratuity has to be considered as per the existing policy only which did not provide for the same, and therefore, they are not entitled to the same.

8) Similar view was taken by him with regard to other private respondents too vide separate identical orders dt.11.8.2023.

The Writ petitions

9) Challenging the same, the above writ petitions were filed for a direction to the appellants to provide the benefit of gratuity and other post retiral benefits on superannuation, i.e. 60 years and for quashing and cancelling the letter dated 11.08.2023 issued by the appellant No.4 rejecting the respondents' claim for gratuity.

10) Before the learned Single Judge, the respondents/writ petitioners placed reliance on the judgment of the Supreme Court in *Maniben Maganbhai Bhariya Vs. District Development Officer, Dahod & Ors*¹. (for short '*the Maniben*' case), and contended that the Supreme Court had held that AWWs and AWHs are entitled to gratuity on their retirement; and that similar view had also been taken by the Rajasthan High Court vide the judgment dt.09.11.2022 in *Shanta Devi Vs. State & Ors.*, [SB Civil Writ Petition No. 3283/2017].

11) The respondents contended that an Anganwadi establishment would come within the definition of 'establishment' in terms of Section 1(3)(b) of the Payment of Gratuity Act, 1972 (for short, the Act) and therefore, the respondents would be entitled to claim gratuity under the said statute.

12) The appellants contended before the learned Single Judge that the Supreme Court's judgment in *Maniben's* case arose from the State of Gujarat where there existed a scheme on the basis of a resolution dt. 25.11.2019 laying down exhaustive provisions regarding selection process, eligibility criteria, minimum academic qualification, disciplinary action, etc. in respect of AWWs and AWHs, and based on the same the Supreme Court had granted relief to them as regards payment of gratuity under the Payment of Gratuity Act, 1972. They also contended that the State of Tripura was not a party in *Maniben's* case and that the judgment of the Supreme Court was not a *judgment in rem*, it was not circulated to the State of Tripura for compliance and the ratio in the said case cannot be applied to the State of Tripura.

¹ (2022) 16 SCC 343

13) It was the contention of the appellants that Section 1(3)(b) of the Act used the word ‘shop or establishment’, there has to be commercial activity like in a shop or alternatively even if the word ‘establishment’ is considered separately having no connection in any kind of commercial activity, still an Anganwadi Centre would not come within the purview of an establishment like in Gujarat where separate rules/scheme in this regard are already in force.

14) It was further contended that only two employees are engaged in every Anganwadi Centre or Anganwadi sub-centre in Tripura; and that this court cannot direct the State Government to implement a scheme of payment of Gratuity when the State Government has not framed any such scheme; that it is a policy decision which has financial implications and it is not within the domain of the court to enter into it.

15) The Union of India, which is a respondent in these appeals, has supported the stand taken by the appellants.

Judgment of the learned Single Judge

16) The learned Single Judge framed the question:

*“Whether the provisions of the Payment of Gratuity Act, 1972 are applicable to AWWs and AWHs as employed or engaged in the State of Tripura in view of the judgment of the Supreme Court in **Maniben’s Case?**”*

17) The learned Single Judge then extensively referred to the judgment in **Maniben’s** case and held that the words ‘establishment’, ‘employer’, ‘employee’ and ‘wages’ as envisaged in the Act have to be given wider interpretation as per the Supreme Court judgment in **Maniben’s** case

and the Payment of Gratuity Act, 1972 would apply to AWWs and AWHs. He held that the Contract Labour (Regulation and Abolition) Act, 1970 and the Code on Wages, 2019 referred in *Maniben's* case would be 'law' within the meaning of the words "every shop or establishment within the meaning of any law" in Section 1(3)(b) of the Act as the said statute applies not only in the State of Gujarat but also in the State of Tripura.

18) The learned Single Judge noted that pre-school education was mentioned in the 8th report of the Committee on Empowerment of Women, Parliament of India, Lok Sabha on 'working conditions of Anganwadi Workers' and Section 11 of the Right of Children to Free and Compulsory Education Act, 2009 is also relevant as was discussed in *Maniben's* case; and the Right of Children to Free and Compulsory Education Rules (Tripura), 2011 had been framed by the State of Tripura for the Anganwadi Centres in Tripura.

19) He also noted that the Supreme Court in *Maniben's* case had taken note of the notification dt. 03.04.1997 issued by the Government of India including educational institutions as 'establishments' under clause (c) of sub-section(3) of Section 1 of the Act, and that in Anganwadi centres, purely educational activities of pre-school stage are done through AWWs and AWHs in terms of Section 11 of Right of Children to Free and Compulsory Education Act, 2009; and so as per the direction of the Supreme Court, Anganwadi centres would fall within the category of 'establishment' in terms of Section 1(3)(b) of the Act.

20) He also noted that National Food Security Act, 2013, which is a law made by the parliament to provide for food and nutritional security operates in the State of Tripura like others states w.e.f. 05.07.2013; that this was also relied on in *Maniben's* case as a factor for granting the benefit of gratuity to AWWs and AWHs; that as per the provisions of the National Food Security Act, 2013, Anganwadi Centres now have statutory recognition in addition to other duties and responsibilities as set out in Section 4 to 6 of the said Act; and that they are an establishment or wing of the State Government through which not only the ICDS Scheme is implemented, but the duties of providing pre-school education under Section 11 of the Right of Children to Free and Compulsory Education Act, 2009 and the statutory obligations of providing nutritional support to pregnant women, lactating mothers, children of age group of 6 months to 6 years and of prevention of child malnutrition, are also discharged.

21) He rejected the plea of the appellants that each Anganwadi Centre is run only by two persons and not by 10 or more persons as required by Sections 1(3)(b) & (c) of the Act by pointing out that all such Anganwadi Centres function under the umbrella of Social Welfare and Social Education Department of Government of Tripura having its different centres located in different places of the State; from the memorandum dt.15.04.1992 (Anexure-14 to the writ petition), it is clear that the Directorate of Social Welfare and Social Education engaged many AWHs for several Anganwadi Centres by a single order; by a notification dt. 01.08.2015 (Annexure-59 of the writ petition) the Government of Tripura had issued a common order for all the AWWs and AWHs for providing monthly pension/one time financial benefit

on their retirement/death treating them as a single class or group; and therefore, it cannot be contended by the appellant that each Anganwadi centre is a separate and distinct establishment.

22) He also rejected the plea of the appellants that because the State of Tripura was not a party in *Maniben's* case, the said judgment does not apply in the State of Tripura, by observing that under Article 141 of the Constitution of India, the judgment of the Supreme Court is binding on the State of Tripura and it cannot contend otherwise.

23) The learned Single Judge distinguished the judgment in *State of Maharashtra & Anr. Vs Bhagwan & Ors. [Civil Appeal Nos. 7682-7684 of 2021] [2022 LiveLaw (SC)28]* (wherein the Supreme Court had observed that courts should refrain from interfering with policy decisions which have financial implications) by observing that the said judgment was rendered in a different perspective and that when the statute itself by way of interpretation covers the cases of AWWs and AWHs, granting relief to them under the provisions of the Act will not tantamount to interference with any policy decision of the government.

24) The learned Single Judge therefore allowed the writ petitions filed by the private respondents holding that the Act will apply to the AWWs and AWHs working in the State of Tripura and directed the appellants to make payment of gratuity to them as per their eligibility in terms of provisions of the Act along with interest @ 7% per annum computing for the period after 30 days from the respective dates of their retirement till payment is made. He also

set aside the letter dt. 11.08.2023 issued by the appellant No.4 which had been challenged in the Writ Petitions.

The instant Writ Appeals

25) Aggrieved thereby, the instant appeals have been preferred by the appellants.

26) Learned Advocate General appearing for the appellants has raised the following contentions:

(i) that the learned Single Judge has failed to appreciate that Anganwadi Workers and Anganwadi Helpers are not employees and they have not been provided wages. They are not holders of civil posts. They can contest elections. AWWs and AWHS being honorary workers were paid monthly honorarium as decided by Government from time to time. Hence, the honorarium paid to Anganwadi Workers/Anganwadi Helpers is not covered within the definition of 'wages' and they are not employed by the State Government for 'wages'. And even if Anganwadi Centre is termed as 'Establishment', there are only 2 persons who are honorarium based worker which is less than 10 persons required to be eligible for payment of Gratuity as per the provision provided in Payment of Gratuity Act, 1972. The AWW are engaged for only one establishment and not transferable. Even the word "Establishment" is considered separately having no connection with any kind of commercial activities, still AWC will not come within the purview of establishment like Gujarat where separate rules/schemes in this regard are already in force. Moreover, only 2(two) persons (less than 10) are engaged in every AWC in Tripura;

(ii) that the learned Single Judge has also failed to appreciate that Anganwadi Workers (AWWs) & Anganwadi Helpers (AVMs), are honorarium based workers who are engaged on 'No work No pay basis' under the scheme of Integrated Child Development Services (ICDS) of the Government of India and implemented by the State Government;

(iii) that the learned Single Judge has also failed to appreciate that in *AIR-2022 SC 2119 (Maniben Maganbhai Bhariya Vs District Development Officer, Dahod and others)* before the Hon'ble Apex Court had arisen from the Judgments of the Gujarat High Court regarding the demand of AWWs/AWHs in AWCs in the State of Gujarat. However, no other State Governments was party to the said case. Also the Hon'ble Apex Court has not given any direction to all the State Governments for applicability of gratuity to the AWWs/AWHs. So, the direction in the operative part is not by itself binding on the State Government of Tripura;

(iv) that the learned Single Judge has also failed to appreciate that the Ministry of Women & Child Development, Govt. of India, has outlined guidelines under schemes like Mission Saksham Anganwadi and Poshan 2.0, defining AWWs and AWHs as "Honorary Workers" from the local community contributing part-time services to child care and development. The petitioners were given One Time Financial benefit for an amount of Rs.50,000/- or Rs.30,000/- as retirement benefit to the AWW/AWH as per the capacity of the State exchequer. It is pertinent to mention here that the funding pattern as per the new Guidelines of GOI is in the ratio of 90:10, where 90 percent is GOI share and 10 percent is State share. Adding to this,

the financial liability for the AWW/AWH honorarium payment rests at a 90:10 ratio, with the Government of India bearing 90% of the burden. This places the primary financial responsibility on the GOI. Therefore, the State Government argues that without the central share's contribution, granting gratuity would significantly strain the state's finances; and

(v) that the Learned Single Judge failed to consider that as per the settled proposition of law, the Court should refrain from interfering with the policy decision, which might have a cascading effect and having financial implications. Whether to grant certain benefits to the employees or not should be left to the expert body and state/undertakings and the Court cannot interfere lightly. Granting of certain benefits may result in a cascading effect having financial consequences.

27) The counsel for the respondents supported the judgments of the learned Single Judge and again placed reliance on the judgment of *Maniben's* case referred to above.

Consideration by the court

28) The question which is to be considered is:

*“Whether the learned Single Judge had committed any error in law in granting relief to the respondents as regards payment of gratuity by applying the provisions of the Act and by following the judgment of the Supreme Court in *Maniben's* case?”*

29) No doubt the judgment in *Maniben's* case arose out of claim for gratuity by AWWs and AWHs working in the State of Gujarat and in the said

State there was a Government resolution dt. 25.11.2019 by which provisions regarding selection criteria, duties, disciplinary action, rules, etc. in respect of AWWs and AWHs have been laid down.

30) But can it be said on that basis that the judgment will not apply in the State of Tripura?

31) In the judgment in *Maniben's* case, the Supreme Court relied mainly on the provisions of the National Food Security Act, 2013 and has taken a view that one of the objectives of the said statute was to improve the nutritional status of women and children and the said Act intended to bring about a shift in addressing the issue of food security and altered the previous 'welfare' approach to a 'rights based' approach.

32) The Supreme Court also referred to para 7 of the Statement of Objects and Reasons of the said statute and concluded that Anganwadi Centres have been statutorily recognized under the 2013 Act and they had been entrusted with wide vital and significant role in implementing Sections 4 to 6 of the Act.

33) It recorded that the said provisions lay down entitlements of pregnant women, lactating mothers, and children in the age group of 6 months to 6 years and provided also that children who suffered due to malnutrition are entitled to the benefit of free meals through Anganwadi Centres.

34) The Supreme Court held that these entitlements confer corresponding rights on the said beneficiaries and that the benefits referred to in the said Sections are provided through Anganwadi Centres as set out in the

Supplementary Nutrition (Under the Integrated Child Development Services Scheme) Rules, 2017.

35) It held that Anganwadi Centres perform a pivotal role in discharging the statutory obligation of the State to provide nutritional support to pregnant women, lactating mothers, and children in the age group of 6 months to 6 years, that these AWWs and AWHs constitute the backbone of the Anganwadi Centres, and therefore, this onerous responsibility of extending benefits under the National Food Security Act, 2013 to the beneficiaries is on them.

36) Like in the State of Gujarat, it is not in dispute that the Government of Tripura had also issued a Notification No. F:1(1-21)-ICDS/SWE/2018/5271(100) dated 17.01.2019 laying down the guidelines for engagement of AWWs and AWHs under the ICDS Scheme in Tripura.

37) These guidelines lay down the selection procedure of AWWs and AWHs in the following terms:

“GOVERNMENT OF TRIPURA
SOCIAL WELFARE AND SOCIAL EDUCATION DEPARTMENT

GUIDELINES FOR ENGAGEMENT OF ANGANWADI WORKERS (AWWs)/
ANGANWADI HELPERS (AWHs) ON HONORARY BASIS UNDER
UMBRELLA ICDS SCHEME IMPLEMENTED BY SOCIAL WELFARE &
SOCIAL EDUCATION DEPARTMENT, GOVT. OF TRIPURA.

Selection Procedure:-

1. Advertisement of Vacancies:

a) *The vacancies of Anganwadi Workers/ Anganwadi Helpers shall not be notified through the Employment Exchange*

b) The Child Development Project Officer will call applications for engagement of Anganwadi Workers/ Anganwadi Helpers by formally advertising the vacancies through News Papers.

c) Publicity of vacancies shall also be made through Block Development Officers/ CEO of Urban Local Bodies/ ICDS Supervisors/ Panchayat Secretaries.

d) Notice of vacancy shall also be notified in writing on the notice board of Block Development Office / Gram Panchayat Office / Ward Office/ Child Development Project Office/concerned Anganwadi centers.

e) Procedure for appointment with other relevant details would also be published in the same letter/notice.

2. Eligibility Criteria:

Only such female married / widow candidates are eligible to apply for the post of Anganwadi Worker/ Anganwadi Helper who are:

a) Normal residents of the village (in case of Rural Area) /ward (in case of Urban Area) where Anganwadi Centre is located and belongs to the feeder villages/wards of the Anganwadi area.

b) Freezing of the list of families being covered in the feeder area of the AWC will be ensured before starting the selection process and advertising of vacancies with due publicity. Only the residents of the areas as above will be entitled to apply. If the candidates are not available within the feeder area, applications can be invited from the desirous candidates residing within the area of the concerned Gram Panchayat/Ward.

c) For Anganwadi Worker minimum qualification shall be Matriculate and for Anganwadi Helper minimum qualification shall be Class -VIII passed.

d) Age between 18-45 years, 5 years relaxation for SC/ ST/ Divyangjan (Differently able) candidates.

3. Application:

a) The desirous candidates will have to apply in prescribed format to the Child Development Project Officer concerned with requisite documents.

b) Receipts will be given to all the applicants by the Office of the CDPO.

c) The applicants will be required to submit the testimonials/certificates viz address proof, age proof (eligible documents), educational qualification,

citizenship, ration card, disability certificate (if applicable), caste certificate (if applicable) along with the application, which will be screened/scrutinized by the Office of the CDPO.

d) After screening/scrutinizing, database of eligible applicants will be prepared by the Office of the CDPO. Ineligible candidates would be informed in writing by the CDPO with proper receipt.

4. Interview Board-cum-Selection Committee:

Walk-interview for selection of candidate Anganwadi Workers and Helpers shall be made by the following Board:-

i. Block Development Officer (in case of Rural area)

Executive Officer of AMC area/NP areas - Chairman

ii. Medical Officer (Block area/AMC area/NP area) - Member

iii. Inspector of School (Block area/AMC area/NP area) - Member

iv. Child Development Project Officer (concerned project) - Member Secretary

The Interview Board cum Selection Committee shall award interview marks and prepare the merit list.

6. Panel of Selected Candidates:

For every selected/engaged candidate, two candidates who are next in merit will be kept in waiting. This waiting list will be valid for 6 months after the selection process is over.

7. Finalization & Declaration of result:

The result will be declared by the Interview Board cum Selection Committee after taking approval from the Social Welfare and Social Education Department, within 3 days of receipt of approval from the department.

8. Offer of Appointment:

On the basis of results, the concerned Child Development Project Officer will issue offer of appointment within 7 days of declaration of results.

9. Appeal against selection:

1st and final appeal by any aggrieved candidate can be made to the concerned District Magistrate & Collector who will decide the same within 15 days from the date of filing appeal.”

38) As can be seen from the above, the State of Tripura had laid down a *uniform* procedure for recruitment in all Anganwadi Centres of AWWs and AWHs and the selection is being made by a Selection Board consisting of the Block Development Officer (in case of rural area) or Executive Officer of AMC area/NP areas as Chairman, Medical Officer, Inspector of School as the Members, and the Child Development Project Officer as the Member Secretary.

39) It is not as if each Anganwadi Centre is a separate and distinct establishment as all of them, as rightly held by the learned Single Judge, function as components under the umbrella ICDS Scheme in Tripura which has now been statutorily recognized under the National Food Security Act, 2013.

40) That is why, the State Government had issued the Memorandum dt.15.04.1992 (Annexure-14 of the writ petition) through the Directorate of Social Welfare and Social Education engaging many AWHs for several Anganwadi Centres by a single order; and through another notification dated 01.08.2015 (Annexure-59 of the writ petition), the Government of Tripura had issued a common order for all AWWs and AWHs with regard to payment of monthly pension/one time financial benefit on their retirement or death treating them as a single class or group.

41) Even the Supreme Court in *Maniben's* case had held that Anganwadi Centres and Mini Anganwadi Centres are part of the *anganwadi establishment of the State Government*. (Para 36 of the judgment in *Maniben's* case).

42) So the plea of the appellants that there are only 2 AWWs or AWHs in each Anganwadi center and so the Act cannot apply to them because it requires 10 persons, cannot be accepted. The Anganwadi Centres and Mini Anganwadi Centres are part of the *anganwadi establishment of the State Government* and it is not open to count their members centre wise and treat them as distinct and separate.

43) The absence of an identical scheme in the State of Tripura as existing in the State of Gujarat is also irrelevant as even in the State of Tripura, a uniform scheme of recruitment exists for all Anganwadi centers as mentioned above.

44) The appellants are not also correct in contending that the judgment in *Maniben's* case does not apply to them and that they are not bound by the same. As rightly held by the learned Single Judge, the judgments of the Supreme Court are binding under Article 141 of the Constitution of India on the State Governments including the State of Tripura and merely because they are not parties to the said judgment, they cannot claim that it does not apply to them.

45) Once the Supreme Court has held in *Maniben's* case that AWWs and AWHs are 'employees' and hold 'statutory posts', and also that what is paid to them though called 'honorarium', it is in fact a 'wage', it is not open to the appellants to again canvass the contrary propositions to deny the private respondents the benefit of gratuity under the Act.

46) The argument about the possible financial liability which would be imposed on the State Government if the private respondents were to be

granted gratuity under the Act also cannot be countenanced because as rightly held by the learned Single Judge, if the private respondents are entitled to the same on account of the proper interpretation of the relevant statutory provisions of the Act, such as Section 1(3)(b) by the Supreme Court, the appellants cannot avoid the same by taking such a plea. They cannot contend that this a matter of policy and the Court should not enter into it.

47) It cannot be disputed that under the Act, 'gratuity' is a reward for good, efficient and faithful service rendered for a considerable period and the said statute is similar to statutes like Minimum Wages Act, Employees' State Insurance Act, etc. which are similar welfare measures to secure social and economic justice to employees to assist them in old age and to ensure them a decent standard of life on retirement.

48) So far as the unorganized sectors are concerned, as held by the Supreme Court in *Maniben's* case, these Acts have been pillars in social security and laid the foundation for improvement in standards of living of the employees.

49) When social security legislations are being interpreted, such interpretation has to be a liberal and beneficial interpretation, and if a word in the statute is capable of two meanings-one which would preserve the benefit, and one which would not, then the former is to be adopted.

50) On an overall consideration of the matter, we find no reason to interfere with the well-reasoned judgment of the learned Single Judge in the writ petitions, which judgments are impugned in these writ appeals.

51) Accordingly, these writ appeals fail and are dismissed. No costs.

Pending application(s), if any, also stand disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

