

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.4166 of 2017

Orders reserved on : 20.8.2019

Orders pronounced on : 22.08.2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Smt. Murti Devi, 61 years (Group C)
Widow of Late Shri Attar Singh
Retd. Supervisor,
Integrated Child Development Scheme
Department of Women and Child Development,
Vishram Chowk, Sector-5,
Rohini, New Delhi

Residential Address:-

House No. 383,
V&PO Kanjhawala,
Delhi-110081
Mob.- 9216484179

....Applicant

(By Advocate : Shri G.D. Bhandari)

VERSUS

1. Govt. Of NCT

Through the Chief Secretary,
Delhi Secretariat,
I.P. Extension,
New Delhi-110013

2. The Director,

Department of Women and Child Development,
1, Canning Lane, K.G. Marg,
New Delhi-110001

3. The Deputy Director (Admn.)

DWCD,
1, Pt. Ravi Shukla Lane,
K G Marg, New Delhi-110001

.....Respondents

(By Advocate : Shri Ujjawal K. Jha)

O R D E R

By filing this OA, the applicant is seeking the following reliefs:-

- (i) To declare and hold that the date of initial appointment 10.06.2005 as shown in the final seniority list dated 15.09.2016, Annexure A-1A and other ancillary seniority lists is wrong and illegal and the initial appointment date of the Applicant admittedly is 28.03.1984, and her qualifying service be calculated accordingly for computing the pensionary benefits.
- (ii) Set-aside impugned order dated 09.01.2017, Annexure A-1 along with letter dated 20.06.2017, Annexure A-2 with all consequential benefits of payment of pension to the Applicant under the Old Pension Scheme.
- (iii) To direct/command/order the Respondents to compute the pension of the Applicant under the Old Pension Scheme/ Rules recurring her qualifying service from 28.03.1984 the date of initial appointment to 31.05.2015, the date of retirement and make payment of the same along with arrears on all pensionary benefits with 24% interest.
- (iv) Any other relief deemed fit and proper in the facts and circumstances of the case, may also be granted in favour of the applicant alongwith heavy costs against the Respondents, in the interest of justice.

2. This case was earlier heard on 18.3.2019, when this Tribunal made the following observations:-

“1.0. In the instant case the applicant was appointed as Aganwadi worker on 28.03.1984 on a fixed wage.

2.0. Certain Notification was subsequently issued for fresh appointment as Supervisor Grade-II. The 25% of the total number of sanctioned posts of Supervisor

Grade-II (Women) in the then scale of Rs. 4500-7000 were reserved for Aganwadi workers, who are matriculate and have put in a minimum of 10 years of service. The applicant applied and was accordingly selected and appointed on 30.06.2005.

3.0. The applicant had since retired, however, she was treated as being covered under new pension scheme. The applicant had felt aggrieved and represented for being treated in old pension scheme and for counting her past service as Aganwadi Worker to calculate the qualifying service in respect of pension.

4.0. The earlier OAs were also filed vide Nos. 631/2004, 1299/2007 and OA No. 258/2003. Instant OA is the fourth round of litigation.

5.0. The applicant is unable to produce the terms and conditions of appointment as Aganwadi Worker or the rules in support of her contention. The applicant and respondents are directed to look for these papers and come up with their response.”

Thereafter two adjournments were granted in this case to enable the applicant's counsel and respondents' counsel to produce the terms and conditions of appointment as Aganwadi Worker or the rules. However, today when this matter was taken up for consideration counsel for the applicant has not produced anything in support of the claim of the applicant. On the other hand, counsel for the respondents produced a copy of letter dated 28.3.1984 vide which the applicant was engaged as Anganwari Worker on an honorarium of Rs.175/- per month and the said engagement was temporary and non-transferable and her services can be terminated at any time without giving any notice. Therefore, from the aforesaid engagement letter dated 28.3.1984, it is

evidently clear that honorary workers can neither be declared permanent government servant nor can be given any civil post. Counsel for the respondents also placed before this Tribunal the Order of Division Bench of this Tribunal in OA No.1051/2018 (**Smt. Satywati vs. Ministry of Child & Development and others**) decided on 16.3.2018 wherein this Tribunal by placing reliance on the decision of the Apex Court in the case of **State of Karnataka and others vs. Ameerbi & others**, (2007) 11 SCC 681, held that Anganwari workers do not hold any civil post.

3. Counsel for the respondents also produced a letter dated 26.3.2018 written by the Under Secretary, Ministry of Women and Child Development to the Secretary, Department of Social Welfare and Woman and Child Development on the grievance of grant of government employees' status to Anganwadi Workers (AWWs)/Anganwadi Helpers (AWHs) in which it is specifically by referring to the aforesaid judgment of the Apex Court in **Ameerbi** (supra) held AWWs being honorary workers can neither be declared permanent government servants nor can be given any civil post.

4. From the aforesaid documents produced by the respondents, it is quite clear that services rendered by the applicant as Anganwadi Workers from 28.3.1984, i.e., the date of initial appointment upto 9.6.2005, i.e., the date prior to her joining to the post of Supervisor-II Women cannot be

counted as qualifying service for pensionary benefits as the said period of services does not come within the ambit of services rendered on any civil post and that the honorary workers cannot be declared as Government servants as held by the Apex Court in the case of **Ameerbi** case (supra). As such this Tribunal does not find any illegality in the action of the respondents applying new pension scheme in her case as admittedly she was appointed on the said post on 10.6.2005 and the said new pension scheme was given effect to w.e.f. 1.1.2004.

5. In the result, for the forgoing reasons, this Tribunal does not find any merit in the present OA and the same is accordingly dismissed. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

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