

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 16071 of 2015 (H)

PETITIONERS:

- 1. SUNITHA T.R., AGED 44 YEARS
PARACKAL HOUSE, VELLOOR P.O., WORKER
ANGANVADI, NO. 53 AT WARD NO. 18
KOTTAYAM MUNICIPALITY.**
- 2. JAYASHREE C.T.
SHOONATTUMATTOM HOUSE, MUTTAMBALAM P.O., KOTTAYAM
ANGANWADI NO. 62 AT WARD NO. 28.**

BY ADV. SRI.P.BABU KUMAR

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, SOCIAL JUSTICE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR,
SOCIAL JUSTICE DEPARTMENT, VIKAS BHAVAN, 5TH FLOOR
THIRUVANANTHAPURAM - 695 001.**
- 3. CHILD DEVELOPMENT PROJECT OFFICER,
PALLAM ADDITIONAL ICDP PROJECT OFFICE
KUMARANELLOOR P.O., KOTTAYAM - 679 552.**

BY GOVERNMENT PLEADER SMT.A. LOWSY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS :-

- EXHIBIT-P1 - COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 07/10/2010.
- EXHIBIT-P2 - COPY OF THE GOVERNMENT ORDER DATED 10/11/2010.
- EXHIBIT-P3 - COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 24/11/2010.
- EXHIBIT-P4 - COPY OF THE GOVERNMENT ORDER DATED 30/05/2012.
- EXHIBIT-P5 - COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 23/06/2014.
- EXHIBIT-P6 - COPY OF THE RETIREMENT ORDER ISSUED BY THE ICDS PROJECT OFFICER PALLAM ADDITIONAL OFFICE DATED 30/04/2015.
- EXHIBIT-P7 - COPY OF THE RECOMMENDATION LETTER ISSUED BY THE MUNICIPAL CHAIRMAN DATED 27/05/2015.
- EXHIBIT-P8 - COPY OF THE REQUEST ISSUED BY THE MUNICIPAL CHAIRMAN TO THE CDPO DATED 27/05/2015.
- EXHIBIT-P9 - COPY OF THE LETTER ISSUED BY THE MUNICIPAL COUNCILOR OF WARD NO. 18 DATED 25/04/2015.
- EXHIBIT-P10 - COPY OF THE TRANSFER APPLICATION SUBMITTED BY THE 1ST PETITIONER DATED 27/05/2015.
- EXHIBIT-P11 - COPY OF THE TRANSFER APPLICATION SUBMITTED BY THE 2ND PETITIONER DATED 27/05/2015.

RESPONDENTS' EXHIBITS:-

- EXT.R5(A) - COPY OF THE ORDER G.O.(MS) NO.82/2010/SWD DATED 24.11.2010.
- EXT.R5(B) - COPY OF THE ORDER G.O.(MS) NO.31/2012/SWD DATED 30.05.2012.
- EXT.R5(C) - COPY OF THE ORDER IN W.A. NO.1528/2010.
- EXT.R5(D) - COPY OF THE INTERIM ORDER IN WP(C) NO.25614 OF 2009.

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.16071 of 2015

Dated this the 27th day of October, 2015.

JUDGMENT

The petitioners are concerned with the non-consideration of Exts.P10 and P11 representations submitted before the 3rd respondent for transfer. The 3rd respondent is not considering the same only for reason of Ext.P4. Ext.P4 G.O. is said to have been set aside by judgment dated 24.10.2015 in WP(C) No.17850 of 2015 and connected cases. A reading of Ext.P4 indicates that there were many Government Orders passed by the Government regarding the incidence of service of Anganwadi workers, all of which stood cancelled by Ext.P4 G.O. By Ext.P4, *inter alia* G.O. (M.S.) No.82/2010/SWD dated 24.11.2010 also stood cancelled. The said Government Order is produced at Ext.P3. By virtue of the judgment aforesaid, Ext.P4 stands set aside and Ext.P3 is

revived.

In such circumstance, it is only proper that the 3rd respondent consider Exts.P10 and P11 in accordance with law. The same shall be done within three weeks from the date of production of the certified copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

//True Copy//

P.A. to Judge.

sp/29/10/15