

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5235 of 2007

Tmt.R.Rajammal

... petitioner

Versus

The District collector,
The Nilgiris District,
Udhagamandalam.

... Respondent

Prayer: This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.5788 of 2002 from the file of Tamil Nadu Administrative Tribunal with a prayer to call for the records pertaining to the order passed by the respondent in Na.Ka.No.760/A/2002 dated 28.10.2002, served on 09.11.2002, and set aside the same, and direct the respondent to reinstate the applicant, with all consequential benefits.

For petitioner : Mr.P.Ganesan
For Respondents : Mr.K.V.Dhanapalan,
Additional Government Pleader.

O R D E R

The original application has been filed by Tmt.R.Rajammal. The petitioner having been selected and appointed as Anganvadi Worker on 07.10.2002 in the scale of pay of Rs.600-10-700-20-1100 in Vilangur Anganvadi Centre. Aggrieved by the order of cancellation of her appointment dated 28.10.2002, on the premise that she has given wrong information and obtained income certificate as Rs.12,000/- p.a., the petitioner has filed O.A.No.5788 of 2002 on the file of Tamil Nadu Administrative Tribunal, Chennai, taking ground that the impugned order was arbitrary, illegal and vitiated by errors of law and therefore, the same should be set aside. Inasmuch as no opportunity was given before passing the impugned order cancelling the appointment. After some time, the matter came to be transferred and renumbered as writ petition in W.P.No.5235 of 2007.

2. Detailed counter affidavit has been filed by the respondent. The learned counsel appearing for the respondents would submit that the petitioner married one Tamilselvan. By producing an income certificate showing the annual income as Rs.12,000/-, obtained an appointment order and appointed as Anganvadi worker on 07.10.2002 in the scale of pay of Rs. Rs.600-10-700-20-1100 in Vilangur Anganvadi Centre. In the meanwhile, one Tmt.Shantha Gopalan, Vilangur sent a petition dated 15.10.2002 to the Honourable Minister for Tourism mentioning that the annual income of the petitioner's family was Rs.12,000/-. Subsequently, the Revenue Divisional Officer, Gudalur also thoroughly enquired and submitted a report to the District Collector clearly mentioning that the annual income of the petitioner's family is Rs.85,884/-. Therefore, the respondent came to the conclusion that the previous income certificates issued by the Tahsildar were false. Therefore, action was taken to cancel the appointment order.

3. At the time of interview, the petitioner has produced all the necessary certificates including the income certificate instead of producing the necessary original genuine certificate, she suppressed the annual income of her family. Subsequently, on proper investigation, it came to be known that the petitioner is living with her husband along with her father-in-law by name Mr.Murugan, who is also a retired teacher of Vilangur Panchayat Union School. The said Murugan is having agricultural land to an extent of 6 acres and also owning a lorry and running for business purpose and therefore, the petitioner is coming from well-off family.

4. Therefore, accepting the report submitted by the Revenue Divisional Officer, Gudalur showing that the income of the petitioner's family is Rs.85,884/-, the respondent rightly passed the impugned order cancelling the appointment order. This Court, fully agrees with the impugned order and not able to see any infirmity. Therefore, this writ petition is dismissed. No costs.

Sd/- सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

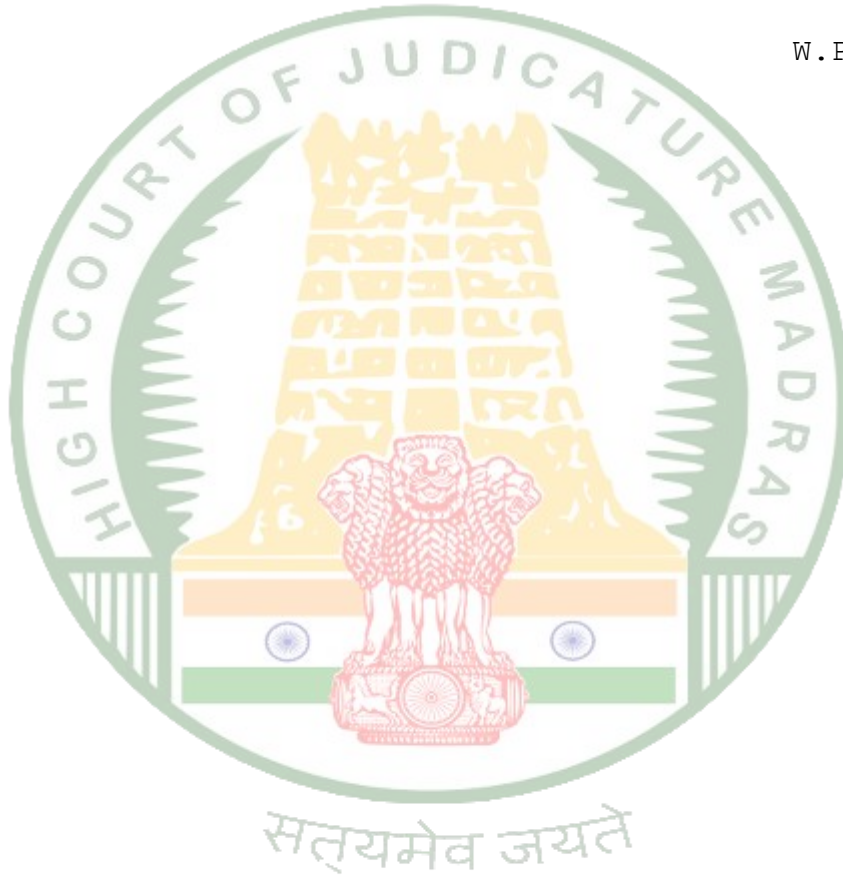
To

The District collector,
The Nilgiris District,
Udhagamandalam.

+ 1 cc Government Pleader Sr.13602

NM(CO)
EU 23 .03.2015

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