

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21014 of 2015

and M.P.Nos.1 and 2 of 2015

Smt.C.Kamala

... Petitioner

Versus

1. The District Collector
Villupuram District.

2. The Child Project Development Officer
Sankarapuram, Villupuram District. . . . Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with this proceedings Se.Mu.Na.Ka.No.1316-A3-14 dated 20.01.2015 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all service, monetary and attendant benefits.

For Petitioner : Ms.Lesi Saravanan

For respondents : Mrs.M.E.Raniselvam AGP.

O R D E R

The petitioner is an Anganwadi Worker. She rendered 32 years of service. While so, the first respondent passed an impugned order dated 20.01.2015 dismissing the petitioner from service on the ground that she was unauthorisedly absent for the period between 19.11.2012 and 07.05.2014.

2. Admittedly, the impugned dismissal order was passed without holding any enquiry.

3. Therefore, in my view, the impugned order is violative of Articles 14 and 21 of the Constitution of India. No employee could be dismissed based on certain allegation without enquiry. Hence, the impugned dismissal order dated 20.01.2015 is set aside. A direction is issued to the first respondent to reinstate the petitioner into service forthwith. It is open to the first

respondent to proceed departmentally against the petitioner by issuing charge-sheet, get explanation, hold enquiry and pass final orders thereon, if so advised. It is also open to the first respondent during the pendency of the Departmental proceedings, to place the petitioner under suspension or permitted to join duty. The petitioner shall be paid subsistence allowance, if she is kept under suspension and if she is permitted to join duty, she shall be paid salary accordingly.

4. The Writ Petition is allowed on the above terms. No costs. Consequently, connected MPs are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nvsri

To

1. The District Collector
Villupuram District.
2. The Child Project Development Officer
Sankarapuram, Villupuram District.

+lcc to Mr.Lesi saravanan, Advocate sr.no.36374

+lcc to The Government Pleader sr.no.36052

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rj[col]
srg 31.07

सत्यमेव जयते

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