

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.30873 of 2010

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DATE: 07.07.2015

Between:

R.Kalavathi

...Petitioner

and

Government of Andhra Pradesh and others

...Respondents

COUNSEL FOR THE PETITIONER : SRI SITARAM CHAPARLA

**COUNSEL FOR THE RESPONDENTS : GP FOR WOMEN DEVELOPMENT AND
CHILD WELFARE (TS)**

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.30873 of 2010

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ORDER:

This Writ Petition is filed for a mandamus to set aside memo bearing No.300/A5/2010, dated 26.10.2010, whereby respondent No.1 has directed respondent No.2 to remove the petitioner as Anganwadi worker of Peddagudem Thanda, Wanaparthi Mandal and report compliance.

The petitioner was appointed as Anganwadi worker on 21.08.1998 for Peddagudem Thanda, Wanaparthi Mandal, Mahaboobnagar District. By the impugned memo, respondent No.1 has directed respondent No.2 to remove the petitioner. A perusal of this memo shows that respondent No.2 has submitted a report to respondent No.1 stating that the petitioner is not attending to duties without permission of the concerned Officer from few months, that her explanation was called for by issuing three memos to the petitioner on different dates but she was not responded, that she was also questioning respondent No.2 on the latter's action of not paying the daily cost of Rs.20/- for her travel from Wanaparthi to Peddagudem Thanda and that the villagers of Peddagudem Thanda have given written complaint against the petitioner for her not attending to duties regularly and she was staying at Wanaparthi and rarely visiting Peddagudem Thanda.

One of the main grounds on which the impugned memo is questioned is that before directing the petitioner's removal, respondent No.1 has not given any notice to her.

In the counter-affidavit, it is inter *alia* stated that as the petitioner was irregular in attending to the duties, notices were issued to her. A copy of memo bearing No.53423, dated 26.07.2010 was filed in support of such submission. A perusal of this memo shows that respondent No.2 has issued the same to the petitioner and it is mentioned therein that from 01.02.2010, the petitioner was absent from

duty for a period of 12 days and she was asked to show cause as to why the departmental action shall not be taken against her. While the said memo was issued by respondent No.2, instead of initiating action and passing appropriate order, she has submitted her report to respondent No.1, who in turn has permitted her to remove the petitioner. In my opinion, the procedure followed by respondent No.2 does not appear to be proper.

Learned Government Pleader for Women Development and Child Welfare submitted that respondent No.2 is the disciplinary authority and is vested with the power over Anganwadi workers.

If that be so, there is no reason for respondent No.2 to seek intervention of respondent No.1 for removal of the petitioner. If respondent No.2 feels that the petitioner is not performing her duties properly, she ought to have issued a specific notice and held an enquiry into the alleged misconduct of the petitioner. Even the memo, dated 26.07.2010 appears vague as no specific action is proposed therein.

In the above facts and circumstances of the case, the impugned memo is set aside. Liberty is, however, given to respondent No.2 to initiate appropriate disciplinary action, if she finds that the petitioner is not discharging her duties properly during pendency of this Writ Petition. In the event such disciplinary action is initiated, respondent No.2 shall hold an enquiry after giving notice to the petitioner and pass a reasoned order.

Subject to the liberty given to respondent No.2 as above, the Writ Petition is allowed.

As a sequel to allowing the writ petition, WVMP.No.3818 of 2011 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

7th JULY, 2015.

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