



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5019 of 2016

G.Unnamalai

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Project Officer,
Virudhunagar District,
Virudhunagar.

3.The Child Development Project Officer,
Vembakottai,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent in Se.Mu.Na.Ka.No.1157/A1/2013, 02.05.2014 and quash the same and consequently direct the respondents to allow the petitioner to discharge the duties.

For Petitioner : Mr.P.Arun Jayatram

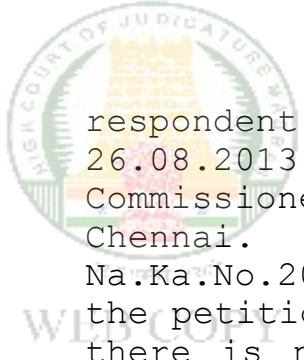
For Respondents : Mr.S.Chandrasekar,
Government Advocate

ORDER

Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondents.

2. This Writ Petition is filed challenging the order of the second respondent in Se.Mu.Na.Ka.No.1157/A1/2013, 02.05.2014 and to direct the respondents to allow the petitioner to discharge her duties.

3. The case of the petitioner is that she was appointed as Anganwadi Assistant at Komalipatti, Vembakottai Panchayat Union, Virudhunagar District by the first respondent vide his proceedings No.2392/A1/06, dated 10.08.2007. As the petitioner intended to pursue B.Ed., course, she sought for leave without salary for ten months. In response to the same, the second



respondent in his proceedings Na.Ka.No.1157/A1/2013, dated 26.08.2013 forwarded the same to the Principal Secretary/Special Commissioner Integrated Child Development Project, Tharamani, Chennai. Thereafter, the third respondent in his proceedings Na.Ka.No.208/2013, dated 14.03.2014 had rejected the request of the petitioner for granting leave for ten months without salary as there is no Rule in the Government granting such permission and directed the petitioner to join duty within a week. Admittedly, the petitioner had not joined duty. Therefore, she was terminated from the Post of Anganwadi Assistant as per G.O.Ms.No.110 Social Welfare(M) Nutrition Department, dated 14.05.2012, vide proceedings of the second respondent in Se.Mu.Na.Ka.No.1157/A1/2013, dated 02.05.2014, which is impugned in this Writ Petition.

4. Perusal of the records would show that the impugned notice was issued as early as in the month of May 2014, whereas the same is challenged only now by the petitioner and there is no reason assigned by the petitioner for the delay and laches in challenging the same. The only ground focussed upon is violation of principles of natural justice. Admittedly the petitioner was declined permission for leave for ten months without salary and was directed to report duty. The impugned order specifically states that on 07.04.2014, the third respondent had sent a registered post to the petitioner calling upon her to explain as to why she should not be terminated as she has been absenting from work for more than six months. Though it was received by her, there was no response from the petitioner. Therefore, the Authorities have terminated the service of the petitioner, which is correct and not to be interfered with.

5. In view of the above facts, there is no merits in this Writ Petition and the same is dismissed. No Costs.

Sd/-

Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
 - 2.The District Project Officer,
Virudhunagar District, Virudhunagar.
 - 3.The Child Development Project Officer,
Vembakottai, Virudhunagar District.
- +2 ccs to Mr.P.Arun Jayatram, Advocate, SR.No.14091
+One cc to The Special Government Pleader, SR.No.14947

pm

<https://hcservices.courts.gov.in/Service/24/3/2016>

W.P (MD) No.5019 of 2016

14.03.2016