

Writ Petition No.10693 of 2010

ORDER:

Heard Sri J.Kanakaiah, learned counsel for the petitioner, learned Government Pleader for Women and Child Welfare appearing on behalf of respondents 1 to 3 and Sri Srinivasa Rao Velivela, learned counsel for the 4th respondent and, with their consent, the writ petition is disposed of at the stage of admission. The proceedings under challenge in this writ petition is the order dated 13.04.2010 whereby the appointment of the petitioner as an Anganwadi Worker was terminated, and the 4th respondent was appointed in her place.

The impugned order records that the Project Director was appointed as an enquiry officer to conduct an enquiry; in that enquiry, it was proved that the petitioner, who was appointed as an Anganwadi Worker at Kammarigudem Village, was not residing in that Village; she was residing at Medapalle Village which was 1½ K.M. away from Kammarigudem Village; she was **not** attending duties regularly; and she had absented from duty on 09.02.2010 during the presence of the enquiry officer.

The impugned order makes no reference to the earlier dates when the petitioner is said to have been absent. Sri J.Kanakaiah, learned counsel for the petitioner, would submit that, while the petitioner was no doubt absent on 09.02.2010, the other allegations in the impugned order that she is not a resident of Kammarigudem are false; a perusal of the residential certificate issued by the Government of Andhra Pradesh, Revenue Department, dated 18.08.2009 shows that she is a resident of Kammarigudem; the ration card enclosed with the writ petition also shows that she is a resident of Kammarigudem; Kammarigudem is a hamlet of Medapalle Revenue village; and as the petitioner is a resident of Kammarigudem, the allegations to the contrary in the impugned order are false.

By way of an interim order, the petitioner was continued in service as an Anganwadi Worker. As noted hereinabove, the impugned order does not make any reference to the dates on which the petitioner is said to have been absent from duties earlier. The allegation that the petitioner is not a resident of Kammarigudem is belied by the residential certificate and the copy of the ration card placed before this Court. These two documents do not appear to have been brought to the notice of the enquiry officer, as the petitioner failed to appear before him on 09.02.2010.

I consider it appropriate, in such circumstances, to dispose of the writ petition directing respondents 1 to 3 herein to consider the residential certificate and the ration card produced by the petitioner at the earliest and, in any event, not later than three months from the date of receipt of a copy of this order. As the petitioner has been continuing in service, consequent upon the impugned order being suspended, she shall be continued in service till orders are passed afresh, as directed hereinabove.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

11th November 2016
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



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Date: 11.11.2016

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