

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.17883 of 2015

ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Women Development and Child Welfare for respondents.

2. Petitioner has assailed the proceedings dt.20-05-2015 removing the petitioner from duties as Anganwadi Worker of Nagulapadu O.C. Area, Anganwadi Center Code No.7, Pedanandipadu Mandal, Guntur District.

3. Learned counsel for petitioner contended that no statement of charges has been given to petitioner specifying the charges against her although three memos were issued by 3rd respondent to petitioner on 02-08-2014, 28-08-2014 and 17-09-2014 mentioning certain irregularities alleged to have been committed by petitioner. Learned counsel for petitioner contends that the petitioner has given an explanation dt.17-03-2015 to the vague charges mentioned therein, that the Tahsildar, Pedanandipadu was appointed as an Inquiry Officer, that he submitted a report to the 3rd respondent and in the said Inquiry, no residents of the village are examined except officials such the Anganwadi Supervisor, Varagani Sector and the 4th respondent. He contended that on the basis of their evidence, the Tahsildar, Pedanandipadu has recommended action against petitioner on the ground of negligence in performing her duties. He contended that on the basis of the said recommendations, the impugned order has been

passed by the 4th respondent terminating petitioner's services as Anganwadi worker.

4. In the counter-affidavit filed by 3rd respondent, reference is made to the two visits by the President of the Mandal Praja Parishad of Pedanandipadu and a visit on 17-09-2014 by the 4th respondent. It is contended that the Inquiry report of the Tahsildar, Pedanandipadu is the basis for passing of the impugned order since the petitioner was found to be negligent in performing her duties as Anganwadi worker.

5. The material on record does not disclose that any specific charges are framed against petitioner inviting her explanation which the petitioner can refute on the basis of material available with her. No explanation is offered by respondents as to why no resident of the village was examined in respect of the allegation of negligence in discharge of duties by petitioner. Petitioner has specifically taken a stand in her explanation that she was facing pressures from the Peoples Representatives and action was initiated against her vengefully as she belongs to Backward Community.

6. Without therebeing any specific charge leveled against petitioner and without any evidence collected from the villagers of the area where the petitioner was functioning as Anganwadi worker against petitioner, it is not open to respondents to hold that petitioner has been negligent in discharge of her functions on the basis of the evidence of the Supervisor, Grade-II, Varagani Sector and the 4th respondent.

7. It is surprising that the 4th respondent himself gave evidence in the Inquiry before the Tahsildar, Pedanandipadu and himself passed the impugned order. This clearly shows that the action of the 4th respondent in terminating the petitioner's services is in gross violation of principles of natural justice since no one can be a judge in his own case. Having given evidence before the Inquiry Officer, the 4th respondent ought not to have passed the impugned order removing the petitioner from service.

8. Therefore, the Writ Petition is allowed, and the impugned proceedings issued by 4th respondent in Memo No.13/CDPO/2015 dt.20-05-2015 passed by the 4th respondent is set aside, and respondents are directed to reinstate the petitioner in the post of Anganwadi Worker for Nagulapadu Anganwadi center forthwith. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-10-2016

Vsv/*