

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No. 17995 of 2009

ORDER:-

Heard Ms. I.K. Annapurna, learned counsel for the petitioner, and the learned Government Pleader for Social Welfare.

2. The petitioner challenges proceedings Rc.No.66/09 dated 18.08.2009, issued by the third respondent as illegal, arbitrary, and contrary to Memo No.11645/K2/96 dated 14.03.1997. Paragraph 6 of the Memo reads as follows:

“B. PROCEDURE FOR INITIATING DISCIPLINARY ACTION:

1. Calling for explanations whenever any irregularities are committed by AWWs.
2. Issue of two memos to
3. If explanation and connective action is not satisfactory issue show cause notice. The whole procedure is to be completed within a month.
4. Termination of service duly approved by the District Selection Committee.

All the CDPOs/Programme Officers/Regional Deputy Directors are requested to acknowledge its memo and follow the above instructions scrupulously.”

3. The complaint of petitioner in the light of above requirement is that the third respondent issued the impugned order of termination without approval by the District Selection Committee and according to the counsel, the approval is not obtained before terminating the services of petitioner. The counter affidavit admits that the procedure is not fully followed and therefore prays for setting aside the impugned proceeding.

4. Mr.M.Sudheer, appearing for respondents, basing upon the material on record submits that the allegations against the petitioner are very serious and functioning of Petitioner as

Anganwadi Worker is defeating the very purpose of establishing Anganwadi Centre in a Village. According to him, the procedure as required by Memo No.11645/K2/96 is followed and no exception can be taken to the impugned termination order.

5. To appreciate whether the admitted procedure is followed or not, I am of the view that the operative portion of the impugned proceeding is excerpted.

“In view of the above Smt. Ch.Punyavathi, Anganwadi worker is not discharging her duties properly and earlier also memos were issued seeking for her explanation and there is no change and in the enquiry also the villagers complained abasing on which a show cause notice was issued cited at reference No.10 and the said Anganwadi worker submitted her explanation cited at reference No.11 alleging that the Sarpanch and MPTC are harassing her due to political rivalry.

In view of the above, Smt.Ch.Punyavathi, Anganwadi worker is causing her interference in the politics and not discharging her duties and getting absent and misappropriating the healthy food and recommended for her removal. Vide reference 1 cited above as per the instructions of the District Collector, Srikakulam, the Project Director, District Women and Child Dev. Corporation, Srikakulam is directed to take steps to remove the said worker and orders have been issued for immediate removal of Ch.Punyavathi from the post of Anganwadi worker, Ungarada Anganwadi centre.”

6 I have carefully perused the impugned proceeding in the light of procedure to be followed by the respondents while terminating an Anganwadi Worker. I am satisfied that the third respondent issued the impugned proceeding relying upon the reference Nos.1 to 11 of the proceeding dated 18.08.2009. As there is deviations from the procedure and no satisfactory answer is given in the counter affidavit, the impugned proceeding is set aside and the matter is remanded to the third respondent to place references 1 to 11 before the Committee for taking appropriate

decision within eight weeks from the date of receipt of a copy of this order.

7. This Court on 27.08.2009, directed respondents not to fill up on permanent basis the post of Anganwadi Worker of Ungarada village, Regidi Amudalavalasa Mandal, Srikakulam District. The order presupposes that temporary arrangement could be made and Angawadi centre is continuously run by the administration. Having regard to the nature of interim order passed pending the writ petition, it is made clear that the setting aside of the impugned proceeding and remitting the matter back to the third respondent, it shall not be understood that the petitioner is entitled to be reinstated. But at the same time till further decision is taken, the respondents are directed not to appoint Angawadi Worker on permanent basis.

The Writ Petition is ordered as indicated above. As a sequel,
the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE S.V. BHATT

April 1, 2016
LMV