

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27561 of 2014

ORDER:

The petitioner was appointed as Anganwadi worker of IV Centre of the Arutla Village, Manchala Mandal, Rangareddy District in the year 1984. She was deputed to the training centre in the month of May 2011. After completing the training, when she was returning to her house, she fell down on the road due to pulling of her gold chain and she sustained injuries. She was hospitalized and underwent surgery. In those circumstances, she did not report for duty from June 2011 to 17.08.2012. She reported for duty on 17.08.2012, but respondent No.4 did not allow her to discharge duties. No order of termination of petitioner's service was passed. When she submitted a complaint in the Prajavani, an order was passed by respondent No.3 on 03.09.2014 stating that she was removed from service for her unauthorised absence and she can apply again as and when the notification is issued to fill up the vacancy. Challenging the said order, the present writ petition was filed.

The counter affidavit is silent with regard to the appointment of petitioner. However, it was stated that the petitioner absconded from duties from 01.06.2011 to 26.05.2013 without prior permission. Respondent No.4 issued memos to the petitioner on 01.08.2011, 19.08.2011,

14.11.2011 and finally issued a show cause notice on 14.08.2012 regarding her unauthorised absence. The petitioner did not respond to the said memos and notice, but she submitted a representation on 13.05.2013 for reinstatement under medical grounds. As per the G.O.Ms.No.42 dated 21.11.2008, if the Anganwadi worker is found to be unauthorisedly absent, there should be deduction in the honorarium. If such unauthorised absence is recorded for five consecutive days or three separate instances, the services of Anganwadi worker can be terminated by the CDPO concerned. In view of the orders passed by the Joint Collector-II, she can apply afresh whenever a notification is issued. However, when she submitted a representation in the Prajavani, respondent No.4 addressed a letter on 06.05.2013 on the representation of petitioner and respondent No.3 submitted the remarks to respondent No.2 on 27.01.2014. A decision was taken on 03.03.2014, but due to election code the orders were not communicated to the petitioner. After completion of the election process, the letter was addressed on 03.09.2014.

The above facts show that the petitioner was absent from duties from 01.06.2011 to 26.05.2013, and it is the case of petitioner that she brought it to the notice of the respondents. It is also the case of petitioner that when she reported for duty, she was not allowed to join duty on

17.08.2012. No order of termination was passed in her case. But, when she submitted a complaint in the Prajavani, an order was passed on 03.09.2014 terminating her services and advising her to apply afresh whenever a notification is issued for the post. Since the petitioner stated in her affidavit filed in support of the writ petition that she was appointed in 1984 and also stated that she was continuing since then, it is in the fitness of things that an enquiry should have been conducted by respondents 3 and 4. In the absence of such enquiry, this Court feels that the termination of services of the petitioner without communicating the same to the petitioner is bad in law.

In view of the above, the matter is remanded to respondent No.2 for consideration of the case of petitioner afresh, on the basis of records, and respondent No.2 shall pass appropriate orders, by taking the above circumstances into consideration, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

07.09.2016
MVA