

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.11855 of 2016

ORDER:

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This writ petition is filed under Article 226 of the Constitution of India, challenges the order dated 22.3.2016 passed by the 1st respondent-Child Development Project Officer, Kadapa District, terminating the services of the petitioner.

2. Heard Sri D.Balakishan Rao, learned counsel for the petitioner and the learned Government Pleader for Respondents, apart from perusing the material available on record.

3. According to the petitioner, pursuant to a paper advertisement given, calling for applications for the post of Anganwadi Worker in the year 2005, petitioner was selected and appointed as Anganwadi Worker under Porumamilla Project, Kadapa District and posted to Gontivaripally Gram Panchayat by way of proceedings Rc.No.15/3007 dated 17.2.2007 issued by the 1st respondent. The 1st respondent-Child Development Project Officer issued a show cause notice bearing Rc.No.352/ICDS/2016 dated 20.2.2016, calling upon the petitioner to show cause as to why he should not be terminated from service. In response to the said show cause notice, the petitioner herein submitted an explanation on 2.3.2016. According to the petitioner, in the said explanation to the show cause notice, he had given the reasons for failure to receive earlier memos and requested the respondents to permit her to join the duty. The 1st respondent vide proc Rc.No.368/ICDS/2016 dated 22.3.2016 terminated the services of the petitioner herein. The said order of termination is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the order of termination passed by the 1st respondent is highly illegal, arbitrary, unjust and violative of Article 14 of the Constitution of India and opposed to

principles of natural justice. It is further submitted that because of the health condition, petitioner could not join the duty immediately. It is also the submission of the learned counsel for the petitioner that the 1st respondent passed the impugned order without holding any enquiry.

5. On the contrary, it is vehemently contended by the learned Government Pleader that there is no illegality in the impugned order and the 1st respondent is perfectly justified in terminating the services of the petitioner.

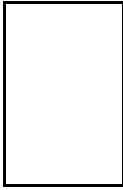
6. In the instant case, there is absolutely no dispute that responding to the show cause notice issued by the 1st respondent on 20.2.2016, petitioner herein submitted a detailed explanation on 2.3.2016. A perusal of the order impugned in the present writ petition clearly shows that though the 1st respondent received the explanation submitted by the petitioner on 3.3.2016, but failed to consider the said explanation and simply carried away by the orders of the District Collector.

7. In the considered opinion of this Court the said mode adopted by the 1st respondent can neither be approved nor countenanced. Having called for explanation and having received the same, this Court does not find any justification on the part of the 1st respondent in completely disregarding the explanation offered by the petitioner. The said action, undoubtedly is violative of principles of natural justice and is highly reprehensible.

8. For the aforesaid reasons, the writ petition is allowed, setting aside the order passed by the 1st respondent in proc Rc.No.368/ICDS/2016 dated 22.3.2016 and the matter is remanded to the 1st respondent for fresh consideration, in accordance with law, by considering the explanation offered by the petitioner herein, after giving opportunity of being heard. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 13.4.2016

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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