



provided with one key of the Anganwadi Centre and another key was given to the fourth respondent viz., Susilamani, who is also serving as Anganwadi Assistant.

2. The petitioner was maintaining the Anganwadi accounts including the purchase of cooking ingredients and vegetables etc. While so, on 11.06.2016, the petitioner was suffering from high fever. Even then, she attended the centre to prepare the food. After preparing the food and serving the same to the children, she left the centre to go to nearby Vedsanthur Government Hospital, to take treatment for her illness. In the meanwhile, the fourth respondent taking advantage of the petitioner's absence, locked the Anganwadi Centre keeping the children and herself inside to give an impression as though the petitioner had locked the centre by keeping the fourth respondent along with three children. Since the fourth respondent is the wife of Branch Secretary of the ruling party and the petitioner was also not co-operating with the fourth respondent and in order to send the petitioner out from the Anganwadi Centre, the fourth respondent conspired to enact a drama on 11.06.2016 at 1.30 p.m., as if the petitioner had left the centre after locking the centre keeping the fourth respondent and three children inside the centre. Therefore, the fourth respondent has reported the same to the third respondent, as if the petitioner locked the Angawadi Centre after keeping her and three children inside the centre.

3. On the basis of the complaint given by the third respondent, the first respondent passed an order of suspension in his proceedings in Se.Mu.Na.Ka.No.2847/A3/2016, dated 22.11.2016. Thereafter, within a month's time, the second respondent issued a charge memo in his proceedings in Na.Ka.No.2847/A3/2016, dated 09.12.2016, levelling six counts of charges against the petitioner with a direction to submit her explanation within a period of seven days.

4. On receipt of the said charge memo, the petitioner submitted her detailed explanation on 12.12.2016, denying all the charges and pleading her innocence stating that she has not committed any such act as pointed out in the charge memo. But, to her surprise, the impugned order of removal from service was passed on 31.05.2017, by the District Collector, Dindigul District, the first respondent herein. Since the impugned order was passed arbitrarily without affording an opportunity of hearing to the petitioner, on the basis of the report submitted by the third respondent, the petitioner was deprived of her livelihood. In order to send the petitioner out from the Anganwadi Centre, the fourth respondent conspired to enact a drama on 11.06.2016 at 1.30 p.m., as if the petitioner had left the centre after locking the centre keeping the fourth respondent and three children inside the centre.



5.The learned counsel for the petitioner submitted that a reading of the impugned order of termination, dated 31.05.2017, passed by the first respondent also clearly shows that no reference has been made to the enquiry report, that shows that no enquiry was conducted. Again referring to the same impugned order, it is pleaded that even if enquiry is conducted, after completing the enquiry, a copy of the report of the enquiry officer would have been furnished to the petitioner, calling upon her to submit her explanation, which has not been done. The attitude of the respondents also further confirms the case of the petitioner that she has been terminated from service without conducting proper enquiry. Concluding his arguments, he would submit that the petitioner was already deserted by her husband leaving with three children, terminating her service from the post of Anganwadi Worker without holding enquiry would definitely amount to violation of principles of natural justice, therefore, on this score, the petitioner should be reinstated in service by setting aside the impugned order.

6.A detailed counter affidavit has been filed by the second respondent.

7.A perusal of the counter affidavit also shows that the petitioner was not subjected to enquiry. Without furnishing the report submitted by the enquiry officer, confirming the lapse said to have been committed by the petitioner by locking the Anganwadi Centre on 11.06.2016 by keeping the fourth respondent and three children inside the Centre, citing a reason that the petitioner repeatedly committed several irregularities, which led to passing of termination order, is wholly untenable and unacceptable. Secondly, the petitioner is a deserted lady by her husband with three children. Since she is eking out her livelihood shouldering her three innocent children, passing an order of termination would definitely cause irreparable injury to the petitioner and her family.

8.The petitioner has also filed an additional affidavit, dated 19.08.2017, relinquishing her back wages for the period of non-employment in the event of her reinstatement in service.

9.Since the petitioner had worked for 24 long years, showing some equity, this Court accepting the waiver of back wages made in the affidavit, dated 19.08.2017, which was filed before this Court on 21.08.2017, is inclined to allow the Writ Petition by setting aside the impugned order without back wages. Accordingly, the impugned order of termination passed ignoring the petitioner's 24 years of long service is set aside and the respondents are directed to reinstate the petitioner in service without back wages as per the undertaking given by the petitioner, in the additional



affidavit, dated 19.08.2017, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Project Officer,
Dindigul,
Dindigul District.

3.The Child Development Project Officer,
Vedasanthur,
Dindigul District.

+1CC to Mr.K.Ponnaiah, Advocate, SR.No. 74971

+1CC to the Special Government Pleader SR.No. 75046

W.P.(MD)No.13095 of 2017

28.08.2017

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AM/JC/SAR 1/05.09.2017/4P/6C