

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9365 OF 2010

DATED : 07.11.2017

Between :

M. Varalakshmi W/o.Venkateswara Rao,
Aged about 39 yrs, Occu : Supervisor
(now under suspension) Anganwadi Centre,
Dwarapudi Sector,
R/o.Inagantivaripeta, Seethanagaram Mandal,
East Godavari District.

.. Petitioner

And

Government of A.P.,
Rep., by its Commissioner Women & Child
Development Department, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner is aggrieved by the order impugned in the writ petition where under an amount of Rs.18,900/- was sought to be recovered.

3. The facts on record disclose that at the relevant point of time, petitioner was working as Supervisor, Dwarapudi Sector, Mandapeta Mandal under Integrated Child Development Service Scheme Project (ICDS), Kapileswarapuram. The petitioner was supervising 28 Anganwadi centres of Dwarapudi Sector. It appears petitioner was living in D.Kesavaram as her native place is far away from the location of these Anganwadi centres. The issue on which the recovery proceedings were issued concerns D.Kesavaram. The allegation made against the petitioner was that she kept certain stock of 28 MTF bags in the premises, where she was living and not in the Anganwadi centre and therefore illegal.

4. The stand of the petitioner is that D.Kesavaram is a small Anganwadi centre and cannot accommodate 28 MTG bags. Therefore for proper maintenance and upkeep, those bags were kept in the rented portion occupied by the petitioner.

5. As seen from the order impugned straight away the order is passed to recover an amount of Rs.18,900/-. This recovery was not preceded by notice and opportunity of hearing.

6. When specifically asked learned Assistant Government Pleader fairly submits that there was no prior notice or opportunity before the order was passed.

7. As noted above, the stand of the petitioner was that since the Anganwadi Centre does not have sufficient space to store 28 MTF bags, they were stored in the rented accommodation occupied by the petitioner. Whether such an explanation is valid or not need not be gone into. But the fact remains that this could have been the defence of the petitioner, if a notice was issued and on consideration of the explanation appropriate decision ought to have been taken, but straight away there could not have been the order of recovery, as if a mis-appropriation or misuse of the quantity of MTF bags given to the petitioner and proceed to recover. Thus, the order impugned is liable to be set aside on this ground alone and is accordingly set aside.

8. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th November 2017
Rds

P.NAVEEN RAO,J