

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

W.P.No.23804 of 2007

ORDER:

The Writ petitioner who is Anganwadi Worker of Devarapadu village, Ongole Mandal, Prakasham district maintained the petition against the respondents 1 to 4 viz; the State of Andhra Pradesh represented by its Woman and Child Welfare Department, the District Collector/ Chairman of the Committee, Woman and Child Welfare Project, Prakasham District, The Project Director, District Woman and Child Welfare Project, Ongole, Prakasam District and The Child Development Project Officer, ICDS Project, Ongole, with a prayer to issue any writ, order or direction more particularly one in the nature of Mandamus, declaring the proceedings in R.C.No.248/ A2/ 2007, dt. 03.11.2007 of the 2nd respondent as illegal, arbitrary and contrary to the provisions of the rules and amounts to violation of the principles of natural justice and consequently direct the respondents to set aside the proceedings supra, with an order to continue the petitioner as Anganwadi Worker and for such other just orders.

2. The supporting affidavit of the petitioner Smt. N.Krishna Kumari is with the averments that she passed SSC in the year 1984 and joined as Anganwadi Worker Code No.16 at Devarapadu village supra on 01.10.1989 and has been working since then under the control of the respondents supra with uninterrupted service to the satisfaction of the superiors without any unfavourable remarks and with a hope of regularization, however for the reasons best known,

by the impugned proceedings without even show cause notice, her services were terminated straight away basing on the alleged false complaint said to have been given by the villagers on 06.10.2007 and alleged resolution dated 20.09.2007 of the Mandal Praja Parishad, Ongole and alleged report of 3rd respondent-The Project Director therefrom dated 04.10.2007 and from the alleged enquiry report of the 4th respondent-The Child Development Project Officer alleging in the impugned termination order as she is irregular, and undisciplined towards legitimate duties and responsibilities with several lapses and there are complaints from the villagers against her etc. and the said impugned order passed is without show cause notice and without opportunity to her and the same is rightly to be set aside.

3.The Ex.P.1 impugned proceedings of termination of the petitioner from the service shows basing on reference 1 to 8 of the proceedings viz; complaint of the villagers, resolution of the Mandal Praja Parishad, Ongole, from the spot Inspections by the Project Director and from the enquiry report pursuant to the orders of the 2nd respondent, the said proceeding are issued, saying from the enquiry conducted the allegations proved true thereby terminating her from service. Ex.P.2 and P.3 are the certificates with regard to her training as Anganwadi Worker and there is no other material field by her in support of the writ petition. At the time of filing the Writ Petition, she sought for interim direction to continue her in service by suspension of the impugned order and observation from the averments supra of no enquiry conducted into

the so called allegations before terminating her from service, the impugned order is suspended vide order dated 07.11.2007 in W.P.M.P. 31001/ 2007.

4. From respondents side, the 3rd respondent-Project Director filed counter stating while accepting her appointment as Anganwadi Worker and her regularity for some time till the date of termination, denied that she worked regularly and discharged her duties sincerely to the satisfaction of superiors without any interruption and further stated that she failed to attend the Anganwadi centre and as per the written signed complaints of 85 villagers supra and also the resolution of the members of the Mandal Praja Parishad in the General Body Meeting referred supra, she has stopped from maintaining Anganwadi centre for the past eight (8) years without running and whatever nutritious food supplied by the government, she used to sell the same for feeding she-buffalos which is proved from the enquiries and remarks and also from the spot inspection of the centre conducted by the Supervisors for the period from 2005 to 2007 August, it was substantiated that no records maintained but they produced tour diaries of the petitioner used to be absent in the centre several times memos issued to her prior to the termination to participate in enquiry but she failed to attend and she is not even residing in the village for the past ten years but residing at Ongole and engaged in other business activities and withdrew the maintenance of the Anganwadi centre in the village and from the reports of the inspections conducted several times on 12.04.2005, 14.10.2005,

27.12.2005, 14.10.2006, 25.05.2007, 27.07.2007 and 18.08.2007 it shows that she was not maintaining record and registers with regard to food and other material etc., and diverting for her wrongful gain and closing centre by not attending duties and the same is substantiated from the enquiry conducted including from written signed report of the several villagers and also from the Mandal Praja Parishad resolution regarding her conduct supra of indiscipline not attending legitimate duties not attending centre by closing and the 3rd respondent was thereby appointed to enquire and on 25.05.2007 and 27.05.2007 even on visiting the centre, it was kept closed and on 18.08.2009 only helper and 4 children were available and no registers were found and no worker was found and not conducting pre-school and not maintained registers and 3 show cause notices were issued to participate in the enquiry on 14.06.2006, 01.05.2007 and 03.07.2007 by the 4th respondent to the petitioner and for no satisfactory explanation received by the authorities in spite of the opportunity given, the authorities terminated her from service.

5. On perusal of the 11 enclosures of which enclosure No.1 is the detailed signed report of the villagers showing of the lapses of she was not residing in the village for the past 10 years, not attending the school and she is misusing food and other items supplied by the government by sale outside for profit and not run school. She used to sell the nutritious food supplied by the government for food of buffalos and she also shifted playing toys of children, furniture and cooking tools to her house at Ongole.

6. Undisputedly she was selected only as a local candidate and there is no permission for shifting the residence to Ongole and there is without even any request for transfer to other centre, she closed the centre. On perusal of the notice of the 4th respondent- the Child Development Project Officer, dated 05.10.2007 to explain on the allegations of the villagers and the resolution of the Mandal Praja Parishad therefrom as they decided to take action against her, as to why action shall not be taken by referring to the allegations in the notice and the proposal sent for having disciplinary action pursuant to the complaint of villagers and the Mandal Praja Parishad resolution dated 20.09.2007. As can be seen from the villagers' representation and newspaper clippings of her not conducting centre for the past 8 years and misuing the nutritious food supplied by the Government by sale outside and not residing in village and the reports of supervision shows in support of the counter averments from the Inspection of several centres including in Devarampadu as on the respective dates in substantiating the same from the parties, as the officials that was placed reliance as a basis for termination of service after the opportunity for response given from the record. The allegation in the Writ Petition is surprising that she stated as if she has been doing duties sincerely without any remarks and as if to her surprise her services were terminated without even notice are all untrue, thereby the petitioner is not entitled to the equitable relief of any direction for nothing to find fault for the termination of services

for her lapses including for non-participation to the enquiry conducted despite show cause notices thrice deliberately.

7. Having regard to the above, it is justified in passing the orders by the 2nd respondent-the District Collector, in terminating the Writ Petitioner from service.

8. Accordingly and in the result, the Writ Petition is dismissed. The interim order from which if at all she continues since vacated by virtue of the result of Writ Petition, it ceases its force and will not enure to claim any relief pursuant thereto but for not liable of any monthly benefits received by continuation till now pursuant to the interim order supra. No order as to costs.

9. Miscellaneous petitions, if any pending, shall stand closed.

Dt.24.01.2017

vvr.

Dr. B. SIVA SANKARA RAO, J

