

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.37327 of 2017

ORDER:

The petitioner was selected and appointed as Anganwadi Worker and posted at Velikallu Village, Dakkili Mandal, S.P.S.R. Nellore District, by proceedings, dated 16.07.1990 of the Sub-Collector, Gudur. She joined there and has been working for the last 27 years. She was entrusted with additional duties as Supervisor Grade-II also by proceedings, dated 05.08.2017, of the Collector. It appears that a news item was published in Sakshi Telugu daily news paper on 08.08.2017 alleging certain irregularities in filling up of Supervisor posts on temporary basis and allotting of sectors. Based on the said news item, a Memo was issued to the petitioner on 16.08.2017 by the 3rd respondent. She submitted explanation on 21.08.2017 stating that she has nothing to do with the news item published on 08.08.2017 and sought allotment of sector in a place nearer to her Anganwadi Centre as she was having a small child. However, without considering her explanation, proceedings were issued removing her from service, without conducting any enquiry or without having consideration to the proportionality of punishment. In those circumstances, she filed the present Writ Petition challenging the proceedings, dated 23.09.2017.

2. In view of the allegations levelled against the petitioner, the concerned record was called and it is noticed that no enquiry was conducted in respect of the allegations levelled against the petitioner. It is also on record that the services were commended

by the 3rd respondent at one point of time. The allegation levelled against the petitioner was that she raised her voice in a meeting held for entrusting the sectors to the Supervisor in addition to her regular duties as Anganwadi Worker. It was also alleged that the petitioner was bringing political pressure and also pressure from a Journalist. She stated that she has nothing to do with the news item and also denied the allegation that she brought pressure from politicians or otherwise. She also assured that she would perform her duties properly, but she admitted that in view of her small child, she asked the 3rd respondent for allotting her sector nearer to her Anganwadi Centre. The statements of persons, who were present at the meeting, disclosed that the petitioner abused the 3rd respondent in the presence of others with regard to the allotment of sectors and she must have done the same out of her anguish. Though this Court cannot condone the behaviour of the petitioner in abusing Superior Officer, the 3rd respondent should have shown more maturity as an Officer in imposing punishment on the petitioner as she has been rendering services for the last 27 years. This Court feels that removal from service is too harsh to the allegations levelled against the petitioner.

3. In the circumstances, the impugned order is set aside and the matter is remanded to the 2nd respondent to impose appropriate punishment on the petitioner for her misbehaviour, and pass necessary orders in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition is allowed to the extent indicated above. Miscellaneous petitions, if any, pending in writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

NOVEMBER 28, 2017

YVL



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.37327 of 2017

Date: 28.11.2017

YVL