

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40553 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner initially joined as Anganwadi teacher at Anantharam Anganwadi Centre of ICDS, Aswaraopeta, in the year 1991. She was issued a show cause notice on 09.10.2017 asking to submit her explanation as to why she should not be removed from service for the alleged transportation of 100 kgs of rice and 20 kgs of yellow gram from Anantharam to Aswaraopeta. She states that she received the notice on 17.10.2017 and she submitted her explanation on 20.10.2017. However, without considering the said explanation when an order of removal was passed on 16.10.2017, the present Writ Petition is filed.

This Court carefully perused the impugned order dated 16.10.2017 and it does not refer to any show cause notice or the reply. It appears that the said order was passed based on the note orders of the District Collector, Bhadradi Kothagudem, dated 16.10.2017. Since the petitioner has been continuing in service from 1991, if the authorities want to take any action for the alleged illegality committed by the petitioner, they have to take appropriate proceedings only in accordance with law. Since the principles of natural justice are violated in passing the

impugned order dated 16.10.2017, this Court is constrained to set aside the said order and remand the matter to the third respondent for passing appropriate orders in accordance with law after giving due opportunity to the petitioner.

The Writ Petition is, accordingly, allowed at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

30.11.2017
vs

(A.RAMALINGESWARA RAO, J)

