

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.6538 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Women Development and Child Welfare for respondent Nos.1 to 4.

2. Petitioner has assailed in this Writ Petition Memo dt.02-01-2018 of 3rd respondent and consequential order dt.04-01-2018 of 4th respondent terminating the petitioner's services as Anganwadi Worker in Sarangapally Agraharam village, Dachepally Mandal, Guntur District.

3. In the impugned order dt.04-01-2018, it is stated that five memoes and one show cause notice have been given to the petitioner and the three allegations are referred to along with petitioner's explanation thereto. But without stating why the petitioner's explanation cannot be accepted, the services of the petitioner have been terminated, after obtaining consent of the 3rd respondent on 02-01-2018.

4. The show cause notice referred to in the impugned order dt.04-01-2018 is a show cause notice No.19/A/2017 dt.10-07-2017. It mentions that a memo was issued on 22-05-2017 stating that the petitioner was negligent in performing her duties; other memo dt.13-06-2017 states that the petitioner is not working properly; and

the third memo dt.30-06-2017 states that pre-school children are very few in number. It contains no details beyond this.

5. It is beyond comprehension as to how the 4th respondent who issued it expects the petitioner to give an explanation to such a vague show cause notice.

6. No doubt there is a circular memo dt.14-03-1997 issued by the Directorate of Women Welfare and Child Welfare which mentions the procedure for initiating disciplinary action and sums up the procedure for initiating disciplinary action in the following four simple paragraphs;

“B. PROCEDURE FOR INITIATING DISCIPLINARY ACTION:

1. *Calling for explanations whenever any irregularities are committed.*
2. *Issue of two memos.*
3. *If explanation and corrective action is not satisfactory, issue show cause notice. The whole procedure is to be completed within a month.*
4. *Termination of service duly approved by the District Selection Committee.”*

7. Such a cryptic memo cannot be of any guidance to the 4th respondent. In my considered opinion, the impugned order passed on 04-01-2018 by the 4th respondent does not contain any reasons why the petitioner’s explanation to the charges made against her is not liable to be accepted, nor does it refer to any evidence on the basis of which the alleged negligence of the petitioner in discharge of her duties is found to be proved.

8. There has been a grave violation of principles of natural justice by 4th respondent in not giving proper show cause notice with full particulars and in not giving any reasons for terminating the services of the petitioner. Therefore, impugned order cannot be sustained.

9. Accordingly, the Writ Petition is allowed, the impugned order is set aside and the matter is remitted back to the 4th respondent to strictly follow the principles of natural justice, complete the enquiry and pass fresh order. The petitioner shall be entitled to wages from 04-01-2018 till the conclusion of the fresh enquiry to be conducted by 4th respondent. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-10-2018

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