

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25942 OF 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 5th respondent in terminating the services of the petitioner as Anganwadi Worker in Konayapalem, Krishna District, vide proceedings dated 17.8.2011, as illegal and arbitrary, and consequently, to hold that the petitioner is entitled to be reinstated as Anganwadi worker, Konayapalem, Krishna District, with all consequential benefits.

2. Heard Sri D. Linga Rao, learned Counsel for the petitioner and the learned Government Pleader for Women and Child Welfare for the respondents.

3. It has been contended by the petitioner that she was appointed as Anganwadi worker on 1.1.1999 and while she was discharging her duties, the respondents issued proceedings dated 17.01.2007 terminating the services of the petitioner, and aggrieved by the same, she filed O.A.No.826/2004 before the Administrative Tribunal and the said O.A. was dismissed and hence, the petitioner filed W.P.No.13530 of 2007 before this Court and this Court allowed the said writ petition setting aside the order of termination and directing that the petitioner shall be reinstated into service forthwith with all consequential benefits, and then, the petitioner was reinstated into service on 16.12.2008 and worked as such till she went on leave from 21.5.2010 to 25.6.2010. It has been further submitted by the petitioner that she reported for duty on 26.6.2010, but the respondents have not permitted her to join and they subjected her to harassment. It has been submitted by the petitioner that in the impugned order, it was mentioned that she is negligent and was absent for long time

and therefore, the 5th respondent terminated the petitioner. Further, it has been submitted by the petitioner that no opportunity was given and no enquiry was conducted before terminating her services as Anganwadi worker, and as the impugned order was passed in violation of principles of natural justice, the same is liable to be set aside.

4. The learned Government Pleader for the respondents contended that the petitioner was negligent towards her duties and the respondents have issued show cause notice and followed the principles of natural justice while terminating the services of the petitioner, and that no illegality has been committed by the respondents in terminating the petitioner and that the petitioner is not entitled to be continued as Anganwadi worker.

5. This Court has considered the rival submissions made by both the parties and the material available on record. In the impugned order, nowhere it was stated that opportunity was given to the petitioner before passing the impugned termination order. Therefore, this Court is of the view that the impugned order was passed in violation of principles of natural justice, and hence, the same is liable to be set aside.

6. Accordingly, the Writ Petition is disposed of setting aside the impugned order dated 17.8.2011 with all consequential benefits. However, liberty is given to the respondents to pass appropriate orders after following due process of law. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 23rd October, 2018.
Nn.

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Nn.