

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16844 of 2011

O R D E R:

The case of the petitioner herein is that she was appointed as Anganwadi worker on 01.03.1991. While so, alleging that the petitioner had committed certain irregularities, respondent authorities issued a show cause notice dated 13.04.2011 and directed her to submit explanation to the same. In pursuance thereto, the petitioner submitted her explanation on 15.4.2011 denying all the allegations made against her. Without considering her explanation, respondent No.1 issued the impugned proceedings dated 31.5.2011 terminating her services. Challenging the same, she filed the present writ petition seeking *Mandamus* under Article 226 of the Constitution of India.

2. Heard Sri P.Viswam, learned counsel for petitioner and learned Government Pleader for Women and Child Development and perused the impugned order as well as the circular Memo dated 14.03.1997.

3. It has been contended by the petitioner that the impugned termination orders are stigmatic and since the alleged irregularities were denied by the petitioner, duty is cast upon the

respondents to conduct a fulfilled enquiry. But in the instant case, respondent No.1 had passed the impugned order mechanically without following due process of law and without giving any opportunity of hearing to the petitioner. Apart from that, respondent authorities, even did not follow Circular Memo No.11645/K2/1996, dated 14.03.1997, issued by its department contemplating the procedure to be followed for initiating disciplinary action against Anganwadi Workers and on this ground alone, the impugned order, which is a stigmatic, is liable to be set aside, in the interest of justice.

4. Per contra, learned Government Pleader appearing for respondents would submit that the respondent authorities have issued a show cause notice to the petitioner as she indulged in certain irregularities in respect of distribution of food items to the beneficiaries. Further, in her appointment order itself, it is clearly mentioned that her services can be terminated without issuing any notice or without assigning any reasons at any point of time, which the petitioner cannot challenge. Therefore, the impugned order does not suffer from any irregularity or infirmity calling for interference of this court.

5. As seen from the said circular Memo, issued by the Directorate of Women Development and Child Welfare, Andhra Pradesh, Hyderabad, it is noticed that certain instructions were issued to CDPOs/Programme Officers with regard to procedure for initiating disciplinary action against Anganwadi Workers, in case of committing any irregularities. It reads as under:

- i) Calling for explanations whenever any irregularities are committed by AWWs.
- ii) Issue of two memos to mend ways
- iii) If explanation and corrective action is not satisfactory issue show cause notice. The whole procedure is to be completed within a month.
- iv) Termination of service duly approved by the District Selection Committee.

6. Admittedly, the respondent authorities have not followed the procedure contemplated for initiating disciplinary action in terms of Circular dated 14.3.1997 and no opportunity was given to the petitioner. When the termination orders are stigmatic, respondents are bound to conduct enquiry and give an opportunity to the petitioner to prove her case.

7. Having heard the rival contentions of both the counsel this court is of the considered view that the impugned order is a stigmatic one and the respondents failed to circular Memo dated 14.03.1997 before initiating disciplinary proceeding against the

petitioner and hence the termination order is liable to be set aside.

8. Accordingly, the writ petition is allowed and the impugned termination order is set aside directing respondent No.1 to reinstate the petitioner with all consequential benefits. No costs.

9. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

25th September, 2018
Mji/*

ABHINAND KUMAR SHAVILI, J

