

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

W.P. No. 30138 of 2022

ORDER:

This writ petition has been filed seeking a writ of mandamus declaring the action of the respondents in imposing a major punishment of removal from service vide proceedings in R.C.No.3008/ASHA/NLG/2022, dated 05.07.2022 as being arbitrary and illegal.

2. The learned counsel for petitioner submitted that the petitioner was selected as a Asha worker and was appointed on 30.03.2008 after undergoing training with effect from 01.03.2008 and that the petitioner has been rendering her services from the said date without any complaints whatsoever. It is submitted that suddenly, without any notice to the petitioner and without any order being passed, the petitioner has been asked her not to attend to the work with effect from 06.07.2022 on the ground of her services have been terminated.

3. The learned counsel for the petitioner submits that no notice was given to the petitioner nor was any enquiry conducted and even the termination order has not been served on the petitioner. Therefore, it is submitted that the action of the respondents in not

allowing the petitioner to render her services as Asha Worker is in clear violation of principles of natural justice.

4. The learned Government pleader for services-II filed counter on behalf of respondents stating that there was a complaint against on the petitioner that she was demanding bribes from the villagers for making deliveries and assisting in family planning operations and therefore, an enquiry was conducted against the petitioner and on the basis of such enquiry, a resolution was passed by the Village Sanitation Committee on 05.07.2022 and thereafter, the termination order, dated 21.07.2022 has been passed.

5. Having regard to the rival contentions and material on record it is noticed that though there appears to be complaints against the petitioner from the villagers, the respondents have neither issued any notices nor have conducted the enquiry in her presence nor have called for any explanation from the petitioner. It is surprising to see that even termination order is not marked to her. All the above facts so far show that the enquiry and the subsequent termination orders are in clear violation of the principles of natural justice and thus are not maintainable.

7. If the respondents wanted to take any action on the complaints of the villagers, they should have supplied a copy of the

complaint to the petitioner and called for her explanation and after due enquiry by following due procedure and principles of natural justice, they could have taken action in accordance with law. Since none of the above procedures have been followed by the respondents, this court deems it fit and proper to set aside the removal order dated 21.07.2022 and direct the respondents to allow the petitioner to continue to render her services as Asha worker.

8. However, the respondents are at liberty to take action in accordance with law against the petitioner on the complaint given by the villagers against the petitioner, if they chose to do so.

9. The Writ Petition is accordingly allowed.

10. Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE P.MADHAVI DEVI

Dated:22.08.2022
ksl

THE HONOURABLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION No.30138 of 2022

Date: 22.08.2022

ksl.