

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

W.P.No.33900 of 2018

ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus, to declare the impugned orders in Proc.No.1116/A/2017, dated 15.06.2017 issued by the 3rd respondent removing the petitioner from service as Anganwadi Aaya without conducting enquiry is illegal, arbitrary and unconstitutional and set aside the same consequently direct the respondents to consider the claim of the petitioner for reinstatement into service as Anganwadi Aaya with all consequential benefits and pass such other order or orders.”

2. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner that in similar circumstances, this Court has partly allowed the Writ Petition No.31083 of 2017 by way an order dated 27.09.2022. A copy of the said order is placed on record. The operative portion of the said order reads as follows:

“In view thereof, the impugned orders of removal from service issued by the 3rd respondent in Proc.No.116/A/2017, dated 15.06.2017 have to be set aside and the respondents are directed to issue notice to the petitioner before taking any further action in the matter. The period from the date of termination till the date of reinstatement shall be considered as continuity of service for the purpose of retirement benefits only. The respondents are at liberty to issue notice to the petitioner and thereafter proceed in accordance with law if they wish to terminate the services of the petitioner. However, if the said post has already been filled up by

any other person, then the respondents shall consider awarding of some monetary compensation to the petitioner for the balance of her service.”

3. Following the above said order and for the reasons recorded therein, this writ petition is also partly allowed, in terms of the observations and directions given in W.P.No.31083 of 2017. There shall be no order as to costs.

4. Office to enclose a copy of the order, dated 27.09.2022, in W.P.No.31083 of 2017 to this order.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand disposed of.

Dated:20.02.2023
vsl

JUSTICE E.V.VENUGOPAL

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