
(2010) 12 SHI CK 0347
In the High Court Of Himachal Pradesh
Case No : CWP No. 7241 of 2010

Gulab Dassi

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0347

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

V.K. Ahuja, J.—The Petitioner filed the present writ petition challenging the order passed by Respondent No. 2 dated 10.6.2010 (Annexure P-16).

2. The Petitioner alleged that she was appointed as Anganwari Helper in October, 2002 in Angwari Centre Oachghat. She performed the duties of Anganwari worker after one Smt. Yogita Chaudhari was promoted to the post of Supervisor but thereafter Smt. Meena Kumari was posted as Anganwari worker.

3. A complaint was filed by the President of local Gram Panchayat against the Petitioner in the year 2008 and explanation was sought from her vide communication dated 10.7.2008. She submitted her reply Annexure P-2 and Respondent No. 3 after taking into account the facts, issued a warning to the Petitioner Annexure P-3. She tendered an apology. She alleged that Respondent No. 3 issued a communication dated 18.3.2009 (Annexure P-5) to the Petitioner as well as Anganwari Worker Meena Kumari. The Petitioner submitted a communication to the CDPO, Solan dated 8.6.2009 that the Anganwari Worker is not attending the institution since 4.6.2009. She alleged that she was advised rest from 22.7.2009 to 12.8.2009. She submitted her application to the Anganwari worker along with the prescription slip and the certificate issued by the doctor marked as Annexure P-10.

4. The allegations against the Petitioner were that she has not improved her

behaviour and is not following the directions of Anganwari worker and the complaints regarding her behaviour were enquired into by the CDPO and the Petitioner was held to be careless towards her duties. She had also remained absent from duty w.e.f. 22.7.2009 to 12.8.2009 and had not submitted any application for leave. The Petitioner was directed to file reply within 15 days vide Annexure P-11. She filed her reply vide Annexure P-12. The explanation given by her was not found satisfactory and vide Annexure P-13, her services were terminated as Anganwari Helper.

5. The Petitioner being aggrieved by the order of termination filed a Writ Petition No. 3624 of 2009 and this Court disposed of the writ petition with a direction that the Petitioner may file an appropriate representation against her termination order. She filed a representation to the second Respondent on 27.3.2010 and the same was dismissed on 10.6.2010 and the order of termination dated 15.9.2009 was upheld. Being aggrieved, the Petitioner has filed the present writ petition. A notice was issued to the Respondent.

6. We have heard the learned Counsel for the parties.

7. From a perusal of the record, it is clear that the Petitioner was permitted to file a representation. Accordingly, the writ petition filed by her was disposed of. The said representation has been disposed of by a detailed order passed by Respondent No. 2 vide Annexure P-16 dated 10.6.2010. It was held by Respondent No. 2 that allowing the Petitioner to work at the Centre will vitiate the work of the centre due to her misconduct and non-cooperative behaviour with the Anganbari worker. These findings of fact were recorded by the Respondent No. 2 after considering the evidence placed before it by the parties. The order passed is a detailed one and well reasoned order and it does not call for an interference by this Court.

8. In view of the above discussions, we accordingly hold that there is no merit in the petition, which is accordingly dismissed. The pending application(s), if any, also stands dismissed.