(2015) 10 JH CK 0143

In the Jharkhand High Court

Case No : Writ Petition (S) No. 368 Of 2012

Sampurna Devi APPELLANT

Vs

State Of Jharkhand And Ors RESPONDENT

Date of Decision : 30-10-2015

Acts Referred:

Citation : 2016 (1) JLJR 5

Hon'ble Judges : Pramath Patnaik, J

Bench : Single Bench

Advocate : Arvind Kumar, Shweta Singh

Final Decision : Dismissed

Judgement

Pramath Patnaik, J

1.In the accompanied writ application, the petitioner has inter alia prayed for quashing of order dated 01.05.2011 passed by the Deputy Development Commissioner, Chatra (respondent no. 6) and letter dated 04.05.2011 sent by the District Social Welfare Officer, Chatra (respondent no. 5) to the Child Development Project Officer, Chatra (respondent no. 7) and further the petitioner has prayed for direction to the respondents to allow the petitioner to continue in her job as well as for the payment of salary with effect from 08.11.2006.

2. The facts, as averred in the writ application, in a nutshell is that in pursuance to selection to the post of Aanganbari Sahayika on 28.11.1996, the petitioner was given intimation by the Child Development Project Officer, Chatra vide his letter dated 21.12.1996 and thereafter, the petitioner joined as Aanganbari Sahayika in Lowagarha Aanganbari Centre. Thereafter, the petitioner along with others was sent for training. The Child Development Project Officer, Chatra vide letter dated 29.01.2007 informed the Branch Manager, Bank of India, Chatra to open the joint account with the signature of Sevika and Sahayika so as to operate by them. Smt. Lalita Devi, the Aanganbari Sevika of Lowagarha Aanganbari Centre informed the C.D.P.O., Chatra Rural regarding the absence of

the petitioner from 08.11.2006 to 07.02.2007 and due to which she is facing difficulty in withdrawal of amount. Thereafter, the Child Development Project Officer, Chatra vide letter dated 19.02.2007 informed the Branch Manager, Bank of India, Chatra to permit Lalita Devi to operate the account singly. The petitioner made a complaint to the respondents against Smt. Lalita Devi regarding withdrawal of the amount by putting false signature. Thereafter, an enquiry was made by the Deputy Director, Welfare, North Chhotanagpur, Hazagibagh and the enquiry report was submitted to the Regional Development Officer, North Chhotanagpur Division, Hazaribagh through his letter dated 25.04.2007. On 19.06.2007 the petitioner also made a complaint before the Commissioner, North Chhotanagpur Division, Hazaribagh against the said Sevika of Lowagarha Aanganbari Centre. The petitioner also made a complaint before the Deputy Commissioner, Chatra on 21.09.2007 against the Lalita Devi, Aangabari Sevika of Lowagarha Aanganbari Centre. Thereafter, a show cause notice was served to Lalita Devi (Aangabari Sevika of Lowagarha Aanganbari Centre) by the District Social Welfare Officer, Chatra. The petitioner was also asked by the District Social Welfare Officer, Chatra to file his show cause to which the petitioner submitted his show cause before the Child Development Project Officer, Chatra on 05.12.2007. The said show cause filed by the petitioner was forwarded to the District Social Welfare Officer, Chatra by the C.D.P.O., Chatra Rural. The petitioner on 29.04.2007 gave an application to the District Social Welfare Officer, Chatra regarding the irregularities committed during enquiry and, thereafter, the District Social Welfare Officer, Chatra issued letter dated 04.05.2011 addressed to C.D.P.O, Chatra Rural for removal of the Aanganbari Sevika-Lalita Devi and the Aanganbari Sahayika-the petitioner.

3. Per contra, a counter affidavit has been filed on behalf of the respondents. In the counter affidavit, it has been submitted that the action of the respondent authorities to remove the petitioner for committing irregularities in the Aanganbari Centre, Lowagarha is not arbitrary, illegal or against the provision of law. As a matter of fact, the petitioner always absented herself from the Aanganbari Centre, Lowagarha. The Sevika produced fake bills of Neha Traders by putting forged signature. The petitioner absented from the Aanganbari Centre continuously from 26.09.2006 to 17.04.2007. During that period, in absence of the petitioner, one Smt. Subala Devi worked as a Sahayika in Aanganbari Centre, Lowagarha and signature in attendance register was done by the petitioner, which is evident from perusal of the enquiry report of the Deputy Director, Welfare, North Chottanagpur Division, Hazaribagh and hence, the petitioner has been terminated from the post of Sahayika as evident from Annexure-A to the counter affidavit. It has further been submitted in the counter affidavit that Sevika and Sahayika both committed irregularities in Aanganbari Centre, Lowagarha and show cause notice was issued against both of them and after consideration of the show cause reply, both Sevika and Sahayika were terminated from their services.

4. Heard Mr. Arvind Kumar, learned counsel appearing for the petitioner as well

as Mrs. Shweta Singh, J.C. to G.P-V appearing for the respondents.

5. Learned counsel for the petitioner has strenuously urged before this Court that adequate opportunity of hearing has not been given to the petitioner before infliction of punishment vide order dated 01.05.2011 or before issuance of letter dated 04.05.2011. Learned counsel for the petitioner has further submitted that whatever illegalities and irregularities committed in Aanganbari Centre, Lowagarha, the same can be attributed to Sevika, Lalita Devi and not to the petitioner. It is the Lalita Devi-Sevika, who has withdrawn money from the bank by putting false signature and not the petitioner.

6. On the other hand, learned J.C. to G.P.V appearing for the respondents has assiduously countered the submissions advanced on behalf of learned counsel for the petitioner by advancing the argument that during enquiry it has come to the light that the petitioner was not doing her duties as a Sahayika and she remained absent and in her absence Smt. Subala Devi used to do the work and petitioner used to put her signature in the attendance register which amounts to serious misconduct of the petitioner, has clearly been established in the enquiry report as per Annexure-A to the counter affidavit.

7. After giving my anxious consideration to the rivalized submissions and on perusal of facts on records, the impugned order dated 01.05.2011 and the letter dated 04.05.2011, vide Annexure-14 to the writ application, do not call for any interference due to the following facts and reasons:

(I) That during her incumbency as a Sahayika, the petitioner remained absent continuously from 26.09.2006 to 17.04.2007, which adversely affected the functioning of the Aanganbari Centre and in absence of the petitioner, it was Smt. Lalita Devi, who withdrew the amount as the joint account was operated in the name of Sevika and Sahayika. Moreover, apart from the above irregularities, the petitioner committed serious misconduct by putting her signature in the attendance register during the aforesaid alleged absence period.

(II) That prior to passing of impugned order of punishment show cause notice was issued to the petitioner and on perusal of the show cause filed by the petitioner and the irregularities committed by the petitioner, as evident from the enquiry report, the punishment of removal from service has been passed by the respondents, which does not call for any interference as there has been no procedural irregularities committed by the respondents in terminating the services of the petitioner nor the disciplinary proceeding is based on no evidence.

8. On cumulative effect of the facts and reasons stated in the foregoing paragraphs, the impugned order of punishment of removal dated 01.05.2011 issued by the Deputy Development Commissioner, Chatra and the letter dated 04.05.2011 (Annexure-14) issued by the District Social Welfare Officer, Chatra (respondent no. 5) pertaining to removal from service do not warrant any interference by this Court.

9. Accordingly, the writ petition is dismissed being devoid of merit.

