
(2012) 03 SHI CK 0407
In the High Court Of Himachal Pradesh
Case No : LPA No. 1 of 2009

Smt. Guddi Devi	Vs	APPELLANT
State of Himachal Pradesh and Others		RESPONDENT

Date of Decision : 29-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0407

Hon'ble Judges : V.K. Ahuja, J;Deepak Gupta, J

Bench : Division Bench

Advocate : Arun Kumar in LPA No. 1 of 2009 and Mr. Dalip K. Sharma in LPA No. 143 of 2008, for the Appellant; Vivek Singh Thakur, Additional Advocate General, with Mr. Rajesh Mandhotra, D.A.G., for respondents No. 1 and 2, Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 3, Mr. Dalip K. Sharma, Advocate and Mr. Bhim Raj Sharma, Advocate, in LPA No. 1 of 2009 and Mr. Vivek Singh Thakur, Additional Advocate General, with Mr. Rajesh Mandhotra, D.A.G., for respondents No. 1 and 2, Mr. Arun Kumar, Advocate, for respondent No. 3, Mr. Sandeep Sharma, Assistant Solicitor General of India and Mr. Bhim Raj Sharma, Advocate, for respondent No. 5. in LPA No. 143 of 2008, for the Respondent

Final Decision : Dismissed

Judgement

Justice Deepak Gupta, J.—Both these appeals are being disposed of by a common judgment since they arise out of the same judgment dated 11.11.2008, delivered by a learned Single Judge of this Court in CWP No. 663 of 2007. Briefly stated, the facts of the case are that the Child Development Project Officer (CDPO), Anni, District Kullu invited applications for filling up the post of Anganwari Worker in Gram Panchayat Khani. The original writ petitioner, Santosh, applied for the said post and was called for an interview. In the meantime, Dolma Devi, who was working as Anganwari Worker in Anganwari Centre, Kammand, applied to the CDPO praying that she be transferred to Anganwari Centre Khun. Her prayer was accepted and she was transferred from Anganwari Centre Kammand to Anganwari Centre Khun, where she joined on

16.04.2007. The resultant vacancy at Anganwari Centre, Kammand, was filled up by appointing the present appellant-Guddi. Santosh Kumari filed CWP No. 663 of 2007 in this Court wherein her main allegation was that Dolma Devi had been transferred from Anganwari Centre, Kammand, to Anganwari Centre, Khun, in total violations of the guidelines relating to transfer/adjustment of the Anganwari workers/helpers.

2. It would be pertinent to mention that under these guidelines, there is no provision for transfer of Anganwari workers/ helpers. The only exception is that request for adjustment/transfer can be made within the District on the Anganwari worker/helper getting married.

3. The learned Single Judge found that Dolma Devi had got married in the year 1983 and had joined Anganwari Centre, Kammand, in the year 1990 and was transferred from Anganwari Centre, Kammand, to Anganwari Centre, Khun, on 16.04.2007. Therefore, her transfer was definitely not covered under the terms of the policy, because she had been married much prior to joining service and her case was not covered under the transfer clause. Since her transfer was set aside, she was reverted to Anganwari Centre, Kammand. Consequently, the appellant, who had been appointed there subsequent to the transfer of Dolma Devi had also to suffer and her appointment was also set aside. It may be that it is a hard case where the appellant had suffered for no fault of hers, but the fact is that once the transfer of Dolma Devi from Anganwari Centre, Kammand, was held not to be legal and valid, on reversion of Dolma Devi to Anganwari Centre, Kammand, there could not have been two persons working at the same post. Therefore, the learned Single Judge was right in setting aside the appointment of appellant-Guddi Devi. We find no merit in the appeals, which are accordingly rejected.