

(2010) 09 SHI CK 0136
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 6231 of 2008

Sobha Rani

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Citation : (2010) 09 SHI CK 0136

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The petition is filed with the following prayer:

(i) That the order dated 4.11.99 (Annexure PK) may be quashed and set aside and the respondents may be directed to permit the applicant to continue as an Angan Wari Worker on the same post where she was working before proceeding on medical leave.

2. It is stated in the reply as follows:

(iv)(a) to (e) In reply to these paras it is submitted that the applicant was appointed as Anganwari worker in Anganwari Centre, Gholowal in compliance to the orders of Hon'ble Court in O.A. No. 1106/94 under ICDS Project, Nalagarh. The applicant proceeded on medical leave w.e.f. 22.10.98 to 22.1.99 on a simple medical prescription slip and the Doctor had not advised her rest for such a long period. Prior to this period she remained continuously on leave w.e.f. 1.7.96 to 31.10.97 and joined her duty on 1.11.97 and remained on duty upto 21.10.98. In this context it is clear that the applicant is habitual to proceed on long leave time and again. Respondent No. 3 has directed the applicant to join duty on 28.2.97, 12.3.97, 16.6.97, 1.7.97, 25.7.97, 30.11.98, but she did not care. She was also warned on 22.12.98 and 5.1.99 to join her duty otherwise her services shall be terminated. Even then she did not care and the respondent Department was compelled to terminate her services. As is evident from the Certificate of Pradhan, Gram Panchayat, Gholowal issued on 5.1.2000 that Smt. Shobha Rani,

(applicant) has been married in other village for the last 3 years and since then she become habitual to remain absent from duty time and again and in fact she does not want to perform her duties regularly. In this pretext it is clear that the applicant is taking shelter of medical grounds and misleading the Hon''ble Court. As such due to her marriage in other village she does not want to work as such, due to which the work in the Anganwari Centre is suffering badly. The public of the area and Pradhan of concerned Gram Panchayat are complaining time and again to appoint some other Anganwari worker in place of the applicant, so that Anganwari Centre is run smoothly. Therefore, the allegations leveled by the applicant are baseless, false and misleading. The relevant record shall be produced before the Hon''ble Court as and when summoned.

3. No rejoinder has been filed. Be that as it may. In case the petitioner is still having any grievance left, it will be open to her to approach the Deputy Commissioner, Solan, in which case the matter will be duly considered by the Deputy Commissioner, Solan with notice to the petitioner and the Pradhan of the Gram Panchayat concerned, within a period of four months after the receipt of representation.

4. With the above observations, the petition stands disposed of, so also the pending application(s), if any.

Copy dasti.