
(2013) 07 RAJ CK 0068
In the Rajasthan High Court
Case No : Civil Writ Petition No. 13353 of 2012

Vagtu Devi

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

Citation : (2013) 4 CDR 2155

Hon'ble Judges : Sangeet Lodha, J

Bench : Single Bench

Advocate : Pramendra Bohra, for the Appellant; D.R. Kawadia, Dy. G.C., for the Respondent

Final Decision : Disposed Off

Judgement

Sangeet Lodha, J.—This writ petition is directed against the order dt. 21.11.2012 issued by the Project Officer, Child Development Project, Pachpadara, whereby the services of the petitioner working on the post of Anganwari Worker have been brought to an end on attaining the age of more than 60 years. The petitioner was employed as Anganwari Worker at Anganwari Centre, Sukhaniyo Ki Dhani, Dudhawa on 10.11.1989, and thereafter she remained in continuous employment. However, all of a sudden, vide order dt. 21.11.2012 issued by the Project Officer, the respondent No. 3 herein, her services have been brought to an end allegedly on the ground that she has attained the age of more than 60 years.

2. On 18.12.2012, this Court while issuing notices to the respondents passed an interim order in favour of the petitioner staying effect and operation of the order impugned dt. 21.11.2012, thus the petitioner is continuing in service till this date.

3. Learned counsel for the petitioner submitted that the petitioner has not attained the age of 60 years. That apart, it is submitted that the services of the petitioner cannot be brought to an end by the Project Officer straightaway without there being a resolution adopted by the Gram Sabha concerned. Learned

counsel submitted that the order impugned has been passed without giving an opportunity of hearing to the petitioner presuming her to be more than 60 years of age and, therefore, the same is not sustainable in the eyes of law.

4. On the other hand, learned counsel appearing for the respondents relying upon the Voter Identity Card of the petitioner and the Authority Letter signed by the petitioner placed on record as Annexures-R2 & R3, submitted that the petitioner has already attained the age of more than 60 years and, therefore, the question of continuing her in service does not arise. Accordingly, it is submitted that the order impugned passed by the respondent No. 3 does not warrant interference by this Court.

5. Indisputably, there exists a dispute regarding the correct age of the petitioner. It is true that as per Annexures-R2 & R3 placed on record, the petitioner has already crossed age of 60 years but then admittedly the order impugned has been passed by the respondent No. 3 presuming the age of the petitioner to be more than 60 years without giving her opportunity of hearing. The petitioner is already continuing in service by virtue of interim order passed by this Court and, therefore, on the facts and in the circumstances of the case, in the interest of justice, it is considered appropriate that the petitioner is granted an opportunity to make representation to the respondents regarding her correct age and the respondents are directed to consider the same after giving an opportunity of hearing to her in accordance with law. Accordingly, the writ petition is disposed of with the directions that the petitioner shall make representation to the respondents within a period of two weeks in respect of the grievances raised in the petition, which shall be considered and disposed of by the competent authority by passing a speaking order within a period of two weeks thereafter. Till then the interim order passed by this Court staying the effect and operation of the order dt. 21.11.2012 shall remain operative.

No order as to costs.