

In The Court of Commissioner, Saran Division, Chapra
Anganbari Appeal No. 134/2009
Rita Devi
Vrs.
The State of Bihar & Ors.

24.3.2014

ORDER

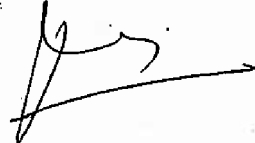
The instant appeal is directed against the impugned order of termination passed by District Magistrate, Saran on 09.02.2008 in file No. 04-24/08 and communicated to the appellant by CDPO, Sonpur vide memo No. 39 dated 07.03.2008 pursuant to the direction of DPO, Saran as contained in Memo No. 191 dated 20.02.2008.

The brief facts of the case are that the appellant Rita Devi W/o Arun Rai R/o Village- Dudhaila Gachhi, P.S.- Sonpur, Dist- Saran was selected as an Anganbari Sevika in Aam Sabha and she was issued appointment letter by CDPO, Sonpur vide memo No. 15 dated 30.10.2004. Thereafter she started to function as Anganbari Sevika till her service was terminated on 09.02.2008 by D.M., Saran for the alleged charge of non-distribution of "Take Home Ration" amongst the beneficiaries. Feeling aggrieved by the said termination, the appellant filed an Anganbari Appeal No. 128/2008 before this court which was rejected by the then Commissioner vide order dated 01.07.2008 on the ground of delay caused in filing the appeal. Thereafter, the appellant approached the Hon'ble High Court vide CWJC.No. 11427 of 2008 which was later on withdrawn for preferring an appeal before this court. Hence, this appeal has come up before this court for disposal.

Heard the parties.

The learned counsel appearing on behalf of the appellant submitted that the order of CDPO is bad in law as well as on facts in as much as no opportunity of show cause was given to the appellant. He further submitted that actually the THR was not Collected for the Centre due to illness of the president of the Committee, so the THR was not distributed. He also argued that although there was no fault on the part of this appellant but action was taken against her without any cause. The learned counsel lastly prayed that the impugned order of termination be set aside for the same of justice.

The learned Govt. pleader appearing on behalf of the respondent D.M. and other official submitted that the appellant's Centre was inspected by a team sent by the ICDS Directorate for verification of distribution of THR. He further said that ICDS Directorate has issued notification to the effect that any one found to be negligent in distribution of THR will be removed from the post without issuance of show cause notice and accordingly the appellant was removed from service. So there is no irregularities in the impugned order of removal. This appeal is also fit to be dismissed.

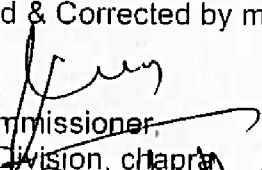



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Considering the facts and circumstances of the case, material on records and on going through the written statement of the learned G.P., it is seen that the appellant's service was terminated actually by the learned D.M., Saran in compliance to the direction of Director, ICDS. The D.P.O. Saran and CDPO, Sonpur were only communicated the said order to the appellant. Hence, it is wrong to say that the impugned order of termination was passed by the CDPO. The impugned order of termination was passed by the D.M. as he was directed by the Director ICDS, following a report of gross negligence in distribution of THR on Centre No. 132 as found by the inspecting team of Directorate. The other claim of the appellant is that she was not given any opportunity of hearing before termination of her Service. This claim is also not acceptable in view of the fact that the ICDS, Directorate had decided in principle that wherever any violation in the THR is found, the concerned Sevika would be removed from Service without asking show cause and accordingly a circular vide memo No. 247 dated 23.01.2008 was also issued by ICDS, Directorate in this connection:

For the aforesaid reasons, I do not find any illegality in the impugned order of D.M., Saran. Hence, the same is upheld and this appeal having no merit is dismissed.

Dictated & Corrected by me.


Commissioner,
Saran Division, Chapra
24/3/2014


Commissioner,
Saran Division, Chapra
24/3/2014