

C. N. RAMACHANDRAN NAIR, &  
K. SURENDRA MOHAN, JJ.

W.A. Nos. 1479, 1465, 1571, 1528  
1460 & 1459 of 2010

Dated this the 29th day of September, 2010

ORDER

**Ramachandran Nair, J.**

Writ Appeals are filed against the judgment of the learned single Judge refusing to interfere with retirement age of Anganwadi workers fixed at 60 years. After hearing counsel for the appellants and after going through the judgment, we do not think there is any scope for interference because retirement age is a policy matter on which Court has no say. Further in this case, as against retirement age of Government employees, which is 55, Anganwadi workers are given extended facility in terms of Central Government Rules by providing retirement age at 60 years.

2. However, appellants have further case that no recruitment is made for filling up the vacancies arising on account of retirement of Anganwadi workers. Anganwadies are basically training centres for tender children belonging to economically and socially backward class.



If substitutes are not appointed to fill up the vacancies arising on account of retirement of Anganwadi workers, the same will lead to suffering for the students in the Anganwadies. Therefore while admitting the Writ Appeals we directed the respondents to engage retired employees on contract basis paying them the same wages on daily basis so that as and when regular recruitment is made in accordance with the procedure, vacancies available could be filled up by replacing the contract employees engaged after retirement. Appellants have apprehension that through ad hoc or provisional appointments of ineligible persons, vacancies arising on account of retirement of Anganwadi workers will be filled up. We feel people experienced in the field are the retiring employees and so long as they are physically and mentally fit, they could be employed on contract basis so that a selection process for provisional appointments could be dispensed with. Further provisional selection itself involves lot of money and time, with which Government can have regular selection. In public interest, we therefore prohibit respondents from making provisional selection to the post of Anganwadi workers, but they



should appoint retiring employees on contract basis until regular appointment is made from a list of candidates prepared in the normal selection process. However, if for any reason, a retiring employee is physically or mentally unable to discharge the duties of Anganwadi worker, then in such case, a person can be appointed provisionally. But in all other cases, provisional appointments should not be made. There will be direction to the respondents to speed up regular selection process for preparation of list of candidates for appointment to vacancies arising in Anganwadies.

Hand over the order to counsel on both sides.

Sd/-

C. N. Ramachandran  
Judge

Sd/-

K. Surendra Mohan  
Judge

Vedambal T.S

Assistant Registrar

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6/10/10

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