

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION NO.29516 OF 2015

ORDER:

1. Heard the learned counsel for the petitioner and Sri A.Jagan, learned counsel for respondents.
2. The petitioner was a successful tenderer for package of 1 kg wheat in respect of Zone-I and Zone-III of Ranga Reddy District and the period of contract, as per the agreement entered into by Telangana State Civil Supplies Corporation Limited, is up to 31.03.2016.
3. Alleging that the petitioner was involved in a rice scam detected by a Special Operation Team, FIR No.197 of 2015 was registered against the petitioner and a show cause notice dated 04.08.2015 was allegedly sent to the petitioner by third respondent through a private courier directing the petitioner to show cause within seven days why the contract of the petitioner should not be terminated.
4. According to the counter filed by fourth respondent on behalf of all respondents, the said show cause notice was dispatched on 05.08.2015.
5. The petitioner contends that this show cause notice never reached him and that the termination order has been passed on 12.08.2015 terminating the contract of the petitioner in violation of principles of natural justice.
6. In the counter affidavit filed by the respondents, it is stated that the show cause notice sent to the petitioner through courier was returned.
7. Thus, it is clear that there is no service of show cause notice at all on the petitioner. Therefore, the termination of the contract of the petitioner on 12.08.2015 is in violation of principles of natural justice.
8. So, the Writ Petition is allowed and the order dated 12.08.2015 of

the third respondent is set aside. The petitioner is granted two (2) weeks from the date of receipt of a copy of this order to file his explanation to the show cause notice; and the third respondent is directed to pass fresh order after considering the petitioner's explanation thereafter. It is made clear that if the petitioner does not file his reply to the show cause notice within the time specified, it is open to the third respondent to pass orders *ex parte*.

9. The Writ Petition is, accordingly allowed to the above extent. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(M.S.RAMACHANDRA RAO, J)

19th November 2015

Note: Issue CC by on week

B/O

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