

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY THIS THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.33809 of 2015

Between:

T.Vijay Kumar

..... PETITIONER

AND

The State of Telangana,

Rep.by its Ex-Officio Secretary to Govt.

Consumer Affairs, Food and Civil Supplies (CS-I)

Department, Secretariat, Hyderabad and 2 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33809 of 2015

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ORDER:

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The petitioner was appointed as a Fair Price Shop Dealer of Shop No.10 of Medikonda village, Regode Mandal of Medak District. The Authorization of the petitioner is valid upto 31.03.2016. The 2nd respondent issued a show cause notice on 12.03.2015 to the petitioner on the ground that the petitioner was working as Sub-Station Operator at 33/11 Medikonda Station since two years. The petitioner submitted his explanation on 02.04.2015 denying the charges. The 2nd respondent called for remarks from the 3rd respondent, and on the basis of the remarks submitted by the 3rd respondent, the 2nd respondent, vide proceedings dated 30.09.2015, cancelled the authorization of the petitioner. Challenging the same, the present writ petition is filed.

Heard both sides.

The learned counsel appearing for the petitioner submits that earlier the petitioner filed W.P.No.23884 of 2015 challenging the order of cancellation of his authorization, dated 07.07.2015 issued by the 2nd respondent, and this Court, by order dated 31.07.2015, set aside order impugned therein, holding that:

“This procedure cannot be appreciated by this Court when the second respondent is the competent authority to take action on the basis of the enquiry to be conducted by him. In the circumstances, the impugned order dated 07.07.2015, passed by the second respondent, cancelling the authorization of the petitioner is set aside. However, the second respondent is given liberty to conduct an enquiry into the allegations levelled against the petitioner, in the light of the explanation given by him, and complete the same, within a period of thirty days from the date of receipt of a copy of this order.”

A perusal of the impugned order shows that the 2nd respondent delegated the power of enquiry to the Deputy Tahsildar (CS) Papannapet on the ground that he is busy with the prevailing drought conditions and preventive action on suicidal deaths of farmers and in implementation of Government policies. The power of enquiry cannot be delegated by the 2nd respondent, and such an action was not appreciated in the earlier round of litigation. In spite of the same, even now, the 2nd respondent delegated such power to the Deputy Tahsildar and passed the impugned order, based on his report.

In view of the same, this Court is constrained to set aside the impugned order dated 30.09.2015. As the 2nd respondent is expressing his inability due to busy work undertaken by him, it is open to the Joint Collector, Medak District to conduct an enquiry against the petitioner, if he so chooses.

The District Collector, Medak shall take note of the attitude of the 2nd respondent in delegating power of enquiry to the Deputy Tahsildar on the ground of being involved in preventive action on suicidal deaths of farmers and other activities relating to the prevailing drought conditions and not discharging his part of duty as an Appointing Authority of the Fair Price Shop Dealers. The District Collector, Medak shall enquire into the attitude and the irresponsibility of the 2nd respondent

and take necessary administrative action, as his inaction and negligence resulted in setting aside his orders twice by this Court.

In view of the setting aside the impugned order dated 30.09.2015 passed by the 2nd respondent, the petitioner shall be continued as a Fair Price Shop Dealer of Shop No.10, Medikunda village, Regode Mandal of Medak District.

The Writ Petition is accordingly allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 13.10.2015

Dsr

Note:

Send copy of the order to District Collector, Medak
at Sangareddy

B/o

Dsr