

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.19784 and 19816 of 2015

COMMON ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies. The Writ Petitions are being disposed of at the stage of admission with the consent of parties.

The petitioners were appointed as fair price shop dealers of shop Nos.4 and 3 of Dommaranandyala Village, Mylavaram Mandal, Kadapa District, respectively. The authorization is valid upto 31.03.2016. While so, the authorisation of the petitioners was suspended by the third respondent by proceedings dated 06.10.2014 and 14.10.2014 respectively on the ground that they tendered resignation. Challenging the same the petitioners preferred W.P.Nos.36998 and 37024 of 2014 and, this Court, by order dated 08.12.2014, disposed of the said Writ Petitions. Later, show cause notices dated 23.03.2015 and 19.03.2015 were issued, to which the petitioners submitted detailed explanation. Thereafter, the impugned proceedings dated 18.05.2015 were passed cancelling the authorization of the petitioners. Challenging the same, the Writ Petitions are filed.

This Court carefully perused the impugned proceedings dated 18.05.2015 which showed that the impugned proceedings were passed based on the report of the Tahsildar, Mailavaram but not by an independent enquiry in respect of the allegations levelled against the petitioners. The third respondent should know that mere explanation of the petitioner, and consideration of the report of the Tahsildar, is not sufficient and the allegations have to be enquired into by an independent enquiry and findings have to be recorded by him in respect of the allegations. Such procedure has

not been followed.

This Court in the earlier round of litigation made observations with regard to conduct of the third respondent in straight away accepting the resignations in spite of suspicious circumstances. In view of the failure of the third respondent to discharge his duties properly before passing the impugned order, this Court is constrained to set aside the impugned proceedings dated 18.05.2015 and allow the Writ Petitions. However, this will not prevent from conducting an enquiry, in accordance with law, and complete the same within a period of three months from the date of receipt of a copy of this order.

The Writ Petitions are, accordingly, allowed. Miscellaneous petitions, if any, pending in these writ petitions shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:02.07.2015

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