

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.17952 of 2015

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was appointed as fair price shop dealer of shop No.28 of Mokasa Kothavalasa Village, Jami Mandal, Vizianagaram District. While so, the Deputy Tahsildar (Civil Supplies) verified the records on the basis of the complaint received by him and submitted a report to the fourth respondent-Tahsildar, Jami Mandal. The fourth respondent who in turn passed an order of appointment as temporary in-charge dealer on the ground that 6-A proceedings are initiated against the petitioner, vide his order dated 19.05.2015. Challenging the said order, the present writ petition is filed.

During the course of pendency of 6-A proceedings, the third respondent-Revenue Divisional Officer, Vizianagaram alone is competent to take up disciplinary proceedings if they are warranted. No show cause notice was issued to the petitioner by the third respondent and no procedure as is laid down was followed while passing the impugned order dated 19.05.2015 by the fourth respondent. More so, the fourth respondent is incompetent to pass the impugned order. Therefore, the impugned order of the fourth respondent dated 19.05.2015 to the extent of the petitioner is set aside.

Accordingly, the writ petition is allowed.

The miscellaneous petitions, if any, pending in both the writ petitions shall stand closed. There shall be no order as to costs.

(A. RAMALINGESWARA RAO, J)

Date: 19.06.2015

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