

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 34715 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.15 of Pulivendula Village and Mandal, YSR Kadapa District. A show cause notice was issued to the petitioner on 27.05.2015 by the 3rd respondent seeking her explanation in respect of the allegations leveled against her. The petitioner submitted her explanation on 05.06.2015. It appears that a report was called on the explanation submitted by the petitioner. The 4th respondent submitted his report on 15.06.2015 and based on the same, the 3rd respondent passed an order on 15.06.2015 suspending the authorization of the petitioner for a period of three months pending enquiry. Challenging the same, the petitioner filed W.P.No.22377 of 2015 and this Court did not interfere with the order of suspension and directed the 3rd respondent to conduct an enquiry and pass final orders thereon. Thereafter, the 3rd respondent passed an order of cancellation of the authorization on 21.08.2015. Questioning the same, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the entire proceedings were taken at the instance of a political leader and there is no truth in the allegations.

4. This Court in the earlier round of litigation specifically directed the 3rd respondent to conduct an enquiry and pass final orders. But, a perusal of the present proceedings shows that the responsibility of

conducting an enquiry was delegated to the 4th respondent who submitted his report on 15.06.2015, and on the basis of the said report, the present proceedings for cancellation of the authorization are passed. It is incumbent upon the 3rd respondent to conduct an enquiry in respect of the allegations leveled against the petitioner, as he is the competent authority. Since the present proceedings are passed without conducting any enquiry, the same are vitiated, and accordingly, the impugned order is set aside and the matter is remanded to the 3rd respondent for conducting an enquiry by himself and pass orders after affording a reasonable opportunity to the petitioner.

The Writ Petition is accordingly allowed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

26th October, 2015
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