

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.26787 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.36 situated at Idupulapadu Village of Inkollu Mandal in Prakasam District on permanent basis. The authorization of the petitioner was valid up to 31.03.2015. While so, on 20.08.2014 the fourth respondent-Tahsildar, Inkollu Mandal visited the fair price shop along with the local political leaders and obtained signatures of the petitioner on empty white papers under threat and coercion. The third respondent-Revenue Divisional Officer, Ongole, passed an order on 21.08.2014 accepting the resignation alleged to have been submitted by the petitioner. Challenging the said proceedings, the present writ petition is filed.

In view of the nature of the allegations levelled against the petitioner, the petitioner was asked to be present on 21.09.2015. The petitioner asserted that the fourth respondent along with Gorantla Vamsi, Gorantla Brahmaiah, Nutalapati balaram and Ambati Punnaiah came to the shop and forcibly took the signature of the petitioner and submitted a report to the third respondent on 20.08.2014 as if he has submitted his resignation. On the said assertion, the fourth respondent was directed to be present before this Court and submit a sworn affidavit as to the circumstances under which the petitioner submitted his resignation.

The fourth respondent filed an affidavit denying the allegations and specifically stating that the petitioner on his own free will and in his own handwriting tendered his resignation to her. On the same day, the resignation was sent to the third respondent, who issued proceedings on 21.08.2014 accepting the resignation of the petitioner.

The said proceedings were served on the petitioner on 23.08.2014.

Today also, the petitioner asserted that the writing on the resignation letter is not his own, but only his signatures were obtained. The petitioner

states that his signatures were obtained on blank papers by force and the letter of resignation was created. The fact whether the petitioner submitted his resignation voluntarily or not cannot be enquired into by this Court.

In the above circumstances, the petitioner is asked to be present before the second respondent-Joint Collector (Civil Supplies), Ongole, on 14.10.2015 on which date the second respondent shall verify the fact, in the presence of the petitioner, whether the resignation submitted by the petitioner was voluntarily or by force, and pass appropriate orders in that regard if the second respondent comes to conclusion that the resignation was obtained by force.

The orders passed by the third respondent would be subject to the orders passed by the second respondent.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J.

Date: 05.10.2015

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