

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 21743 of 2015

BETWEEN

Gurram Nagaraju

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Prl. Secretary, Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

**HONOURABLE SRI JUSTICE
A. RAMALINGESWARA RAO**

WRIT PETITION No. 21743 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 23 of

Yerragondapalem Village and Mandal, Prakasam District on 01.03.2006 on permanent basis and his authorization is valid and in force as of today. It appears that he deposited the amount for release of the essential commodities for the month of July, 2015 for onward distribution to the card holders. However the respondents did not release the stocks. On enquiry, the petitioner came to know that he himself submitted resignation due to ill-health and other family reasons. Thereafter the third respondent passed the impugned order dated 29.6.2015 based on the report submitted by the Tahsildar on 27.6.2015 entrusting the distribution of commodities to a temporary dealer. Challenging the same, the present Writ Petition is filed.

When this Court got a doubt, it called for the record from the third respondent. The record was produced before this Court, which contains photograph of the petitioner submitting the letter of resignation to the Tahsildar, fourth respondent herein. The learned Counsel for the petitioner asserted that the resignation of the petitioner was obtained by force and that it is not submitted voluntarily. In those circumstances, this Court ordered for appearance of the petitioner in person and pursuant to the same, the petitioner along with his father is present before this Court today. When the petitioner was enquired, he said that his resignation was obtained by the Mandal Revenue Inspector, who in turn produced the same before the Tahsildar. He further stated that at the time of obtaining the letter of resignation from him, the Tahsildar took his photo through cell phone. In view of the categorical statement made by the petitioner, who is aged about 28 years and appears to be hale and health, this Court accepted the statements made by the petitioner and is of the prima facie opinion that the resignation was not voluntary. Having regard to these pertinent circumstances, it is to be seen that the third respondent should have heard the petitioner in person and verified himself as to whether the resignation is voluntary or not. In this case no such attempt was made by the third respondent. The said resignation, which was not voluntary, was accepted based on the report submitted by Tahsildar, who is a subordinate to the third respondent, who in turn without conducting any enquiry simply entrusted the duty of distribution of commodities to another temporary dealer. In the circumstances, the order passed by the third respondent dated 29.6.2015 is liable to be set aside and the

same is accordingly set aside. In the light of the above, respondents 3 and 4 are directed to continue to supply the essential commodities so long as the authorization of the petitioner is valid and in force.

The Writ Petition is allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 3rd August, 2015.

Msnr_x