

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

WRIT PETITION No.27673 of 2015

BETWEEN:

K. Hanumantha Reddy,
S/o. Anumappa.

.. Petitioner

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary,
Department of Civil Supplies,
Secretariat, Hyderabad,
and 3 others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 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 |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.27673 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.30 situated at Devireddypalli Village of Gummagatta Mandal in Anantapur District. The shop was inspected by the fourth respondent-

Tahsildar, Gummagatta Mandal on 04.07.2015 and on the basis of the report submitted by the fourth respondent, a show cause notice was issued by the third respondent-Revenue Divisional Officer, Kalyanadurg, on 24.07.2015 along with the order of suspension of the petitioner. Challenging the order of suspension, the petitioner earlier approached this Court and filed Writ Petition No.26033 of 2015 and this Court by order dated 18.08.2015 directed the third respondent to conduct enquiry while setting aside the order of suspension, but it appears that by the time of passing the said order, final orders were already passed by the third respondent on 14.08.2015 itself. Therefore, challenging the order of cancellation of authorization, the present writ petition is filed.

Three charges were alleged against the petitioner for which the petitioner submitted his explanation on 31.07.2015, which was received by the third respondent on 01.08.2015. Thereafter, no notice of enquiry appears to have been given by the third respondent, but based on the explanation submitted by the petitioner and the enquiry conducted by the fourth respondent and the Mandal Revenue Inspector, the impugned order of cancellation was passed. In a case of disciplinary action, the third respondent ought to have conducted an enquiry in respect of the allegations levelled against the petitioner and he could not have passed an order of cancellation of authorization based on the enquiry of the sub-ordinate officers and explanation of the petitioner.

This Court is not satisfied with the manner in which the third respondent has dealt with the case of the petitioner. Therefore, the impugned order dated 14.08.2015 is set aside and the matter is remanded to the third respondent for conducting enquiry in respect of the allegations levelled against the petitioner and complete the same within a period of two months from the date of receipt of a copy of this order. In view of the orders dated 18.08.2015 in W.P.No.26033 of

2015, the petitioner shall be continued as a fair price shop dealer pending disposal of the proceedings by the third respondent.

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

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A. RAMALINGESWARA RAO, J

Date: 31.08.2015

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