

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

WRIT PETITION No. 25109 of 2015

BETWEEN

Pasam Audi Reddy

...Petitioner

And

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

....Respondents.

DATE OF JUDGMENT PRONOUNCED: 11.08.2015.

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
2. Whether the copies of judgments may be
marked to Law Reporters/Journals. NO
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 25109 of 2015

ORDER:

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. 46 of N.T.R.Nagar, Addanki Town and Mandal, Prakasam District. On 16.03.2015 the Additional Revenue Inspector, Addanki along with his staff inspected the fair price shop of the petitioner and noticed that one Kotha Poli Reddy was running the shop instead of the petitioner. Based on the report submitted on 16.3.2015, the fourth respondent sent a report to the third respondent on 17.3.2015. Upon receipt of the said report, third respondent issued a show cause notice on 28.03.2015. The petitioner submitted his explanation. After receipt of the explanation, the third respondent cancelled the authorization of the petitioner through order dated 15.5.2015. Challenging the same, the petitioner preferred an appeal to the second respondent on 22.5.2015 along with stay application. When the second respondent did not pass any order, the petitioner filed Writ Petition No. 15315 of 2015 and the same was disposed of by order dated 2.6.2015 directing the second respondent to dispose of the stay application within seven days. However, the second respondent disposed of the main appeal itself on 24.07.2015. Challenging the said order, the present Writ Petition is filed.

It is clear from the above facts that the petitioner preferred an appeal to the second respondent against the order of the third respondent dated 15.5.2015. Along with the said

appeal, the petitioner also filed stay application and when no orders are passed, this Court through order dated 2.6.2015 in Writ Petition No. 15315 of 2015 while expressing disinclination to entertain the matter directed the second respondent to dispose of the stay petition within one week. However, the second respondent instead of disposing of the stay application disposed of the main appeal itself by holding as follows:

“.....But as could be seen from the entire record, it is observed that the disciplinary authority not conducted independent enquiry with the card holders to elicit the truth as certain card holders filed petition against the appellant and certain card holders in favour of the appellant. In view of the facts and circumstances, the matter is remanded to the RDO, Ongole for fresh and discrete independent enquiry on the charges framed against the appellant by examining the material of evidence produced by the appellant with reference to the material of evidence submitted by the inspecting officer before the disciplinary authority, within one month from the date of receipt of this order and pass appropriate speaking orders by following due process of law. Since the discrete enquiry is to be needed and to be conducted by the disciplinary authority as mentioned above by taking into consideration of the grounds raised by the appellant, the request of the appellant for grant of stay on the operation of the orders of the RDO, Ongole, dated 15.5.2015 is hereby rejected. Accordingly the appeal and stay petitions are disposed off.”

The second respondent rejected the request of the petitioner to grant stay in view of the disposal of the main appeal. While remanding the matter to the third respondent, the second respondent directed the third respondent to conduct a discrete independent enquiry. It is to be seen that having regard

to the facts and circumstances of the case, the enquiry should be conducted in the presence of the petitioner only. In the circumstances, the order passed by the second respondent dated 24.7.2015 is modified directing the third respondent to conduct enquiry in accordance with law by affording due opportunity to the petitioner and pass appropriate order thereon within a period of three months from the date of receipt of a copy of this order. In the meanwhile, in view of the order passed by the second respondent remanding the matter to the third respondent, the petitioner shall continue as Fair Price Shop Dealer and the said continuance shall be subject to the outcome of the order to be passed by the third respondent.

The Writ Petition is accordingly disposed of at the admission stage. 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 11th August, 2015.

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