

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5684 of 2016

ORDER:-

Heard learned counsel for the petitioner, learned Government Pleader for Civil Supplies and learned Standing Counsel for APSCSCL.

The writ petitioner is admittedly a contractor under an agreement dated 23.03.2015 entered with the respondent Corporation for the work of transport of essential commodities from MLS Point, Naidupet to all fair price shops attached to the said MLS Point during the financial year 2015-2016. On the allegation that he had moved the PDS stocks illegally from the MLS Point for his personal gains, he was placed under suspension.

As it is a case of temporary suspension of the contract on certain allegations, which are based on seizure of Eicher Van bearing registration No.AP 16TB 8883, it is open for the petitioner to explain the reasons of his not being involved in the illegal activity. The petitioner made an elaborate pleading before this Court. But, as he did not put forth his contention before the 2nd respondent Corporation, the said authority had no occasion to consider the same. In that view of the matter, mere non-issuance of a show cause notice cannot be found fault at this stage, as the petitioner has ample opportunity to make his submission before the

2nd respondent Corporation. This Court is also conscious of the fact that the relationship between the petitioner and the respondent Corporation is contractual in nature and no statutory provision has been invoked calling for interference of this Court in exercise of the jurisdiction under Article 226 of the Constitution of India. In view of the same, the issue does not require to be considered by this Court. However, the petitioner is at liberty to make his submission before the respondent Corporation and the same shall be considered within two (2) weeks from the date of receipt of a copy of this order. The observations made in this writ petition for disposal of the case at the admission stage shall not be construed as expressing any opinion with regard to the rights of the parties.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

CHALLA KODANDA RAM,
J

23rd February, 2016
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