

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18468 OF 2016

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Andhra Pradesh).

The petitioner was stated to be the fair price shop dealer of Shop No. 30, Venkatampalli Village, Peapully Mandal, Kurnool District. Initially, his authorization was suspended pending inquiry, vide proceedings Rc.No. 374/2015 of the 3rd respondent Revenue Divisional Officer on 27.04.2015, alleging certain irregularities on his part. Challenging the said order, the petitioner filed Writ Petition No. 21118 of 2015. This Court, by its order dated 10.07.2015 disposed of the said Writ Petition with a direction to the respondents therein to complete the inquiry within a period of thirty days after giving the petitioner opportunity of hearing and duly observing the principles of natural justice. Thereafter, on 11.09.2015, the 3rd respondent issued a show cause notice alleging that the petitioner has not maintained the dynamic key register, distributed the PDS rice and sugar without signatures/thumb impressions, etc. He submitted an explanation to the said show cause notice. Subsequently, the 3rd respondent cancelled his authorization on 23.10.2015 holding that the charges were proved to be grave in nature. Questioning the said order, the petitioner again filed W.P.No. 40366 of 2015. That Writ Petition was allowed setting aside the cancellation order dated 23.10.2015. The 3rd respondent therein was directed to consider the explanation submitted by the petitioner and pass appropriate orders. The 3rd respondent, without passing any final orders, as directed by this Court, issued another show cause notice on 30.03.2016 framing the charges that were framed earlier. The petitioner did not respond to the said show cause notice, as he has already submitted his explanation. The 3rd respondent passed orders dated 30.04.2016 cancelling his authorization on the sole ground that no explanation

was submitted to the show cause notice dated 30.03.2016 and as such, it is construed that there was no explanation to offer on the part of the petitioner for the above charges. Hence, this Writ Petition.

Learned counsel for the petitioner would submit that the 3rd respondent did not follow the orders passed by this Court directing him to proceed in accordance with law, after observing the principles of natural justice.

Reasons are the live-links every decision-making authority has to assign. They will indicate the lines on which its mind has been applied and they also disclose as to what material weighed with it to come to the conclusion to which it has.

A bare perusal of the order impugned in this Writ Petition, *prima facie*, shows that it merely contains extracts of charges and explanation from one proceedings or the other. The 3rd respondent, who is a *quasi*-judicial authority, has lost sight of the fact that a duty is cast upon him to inquire into the allegations levelled against the petitioner after going through the explanation submitted by him and after giving an opportunity of hearing and then arrive at a just conclusion by recording reasons to do so. In the absence of such reasons, the order gets vitiated. In these set of circumstances, this Court is left with no alternative except to set aside the impugned order.

Hence, the order dated 30.04.2016 is set aside, however, giving liberty to the 3rd respondent to conduct inquiry, in accordance with the principles enshrined by this Court in plethora of judgments, and pass orders considered appropriate, afresh.

With this, the Writ Petition stands allowed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

13th June 2016

ksld