

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23768 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate Writ, Order, Direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd Respondent under ROC No.C1/198/2017 dated 03-07-2017 staying the operation of the 3rd Respondent's proceedings in D.Dis.No.K/490/2017 dated 29-06-2017 appointing the Petitioner as the dealer for Fair Price shop No. 32 in Neeruvai village, Pichatur Mandal, Chittoor District as illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India and the principles of natural justice.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies for respondents 1 to 3, before ordering notice to the unofficial 4th respondent and perused the prayer in the writ petition with supporting affidavit and the impugned order of the Joint Collector – 2nd respondent, dated 03.07.2017 and the references 1 and 2 therein.

3. It is the submission of the counsel for the petitioner that having been duly appointed the petitioner by proceedings by the Sub-Collector, Tirupathi, in D.Dis.No.K/490/2017, dated 29.06.2017, among four persons as Serial No.3, the

2nd respondent - Joint Collector, based on representation of one Smt.K.Sumathi, claiming the petitioner is not a resident of Neeruvai Village and said Sumathi is resident of Neeruvai Village and thereby the petitioner is not eligible being a non-local but for said Sumathi being local in preference for appointment and pursuant to which the appointment order dated 29.06.2017 is pending enquiry suspended also with reference to the report of the Village Revenue Officer in confirming the fact. It is the further submission of the counsel for the petitioner that without opportunity and without calling for objections, the suspension of the appointment order pending enquiry is unsustainable and contrary to the principles of natural justice.

4. Undisputedly, it is only a suspension pending enquiry and not a final order without opportunity. In fact, from the order in question, there is a reference about the report of the Village Revenue Officer also called for and perused before passing the said suspension order. No doubt from the material placed on record, the petitioner claims that she is a resident of Neeruvai Village as per the Aadhar card and also as per the Voter ID card. Having regard to the above, petitioner is entitled to submit the same also for determination by the Joint Collector.

5. Accordingly, this writ petition is disposed of, directing the 2nd respondent – Joint Collector, to complete the enquiry

by receiving the written objections of the petitioner to be submitted within one week from today and pass appropriate orders within four weeks from today and if no order can be passed within such time, the suspension order ceases its force for all practical purposes.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

25.07.2017

*Note: issue C.C. by tomorrow.
B/o.SS*

DR.B.SIVA SANKARA RAO, J

