

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

W.P.No.17340 of 2018

ORDER:

This Writ Petition is filed by the petitioner seeking Writ of Mandamus to declare the action of respondent No.3 in suspending the Train side Vending Contract being operated by the petitioner dated 12.11.2014 in the Section-4 Secunderabad-Kazipet/Secunderabad-Nadikudi-Guntur (including Nadikudi-Macherla Branch Line) vide letter in 2017/IRCTC/SCZ/1/DCS/SC-KZJ TSV Section-4 dated 06.05.2018 as illegal and arbitrary and for a consequential direction to respondent No.3 not to interfere with the Train Side Vending Contract of the petitioner without following due process of law.

2. Sri Peri Prabhakar, learned counsel takes notice on behalf of respondents 1, 2 & 4 and Sri B.Narasimha Sarma, learned counsel takes notice on behalf of respondent No.3.

3. Heard both sides.

4. The main grievance of the petitioner is that as per the show cause notice dated 02.05.2018 issued by respondent No.3, the petitioner was given time for fifteen (15) days to submit his explanation in respect of the incident narrated in the show cause notice and therefore, he has time till 17.05.2018 to offer his explanation, but however to the dismay of the petitioner, respondent No.3 issued proceedings in 2017/IRCTC/SCZ/1/ DCS/SC-KZJ TSV Section-4 dated 06.05.2018 suspending the Train Side Vending Contract of the petitioner with immediate effect until the disposal of show

cause notice dated 02.05.2018 and corrigendum to the show cause notice dated 03.05.2018. He would submit that while taking grave decision of suspending the contract, respondent No.3 has not followed the principles of natural justice.

6. On the other hand, learned counsel for respondent No.3 would submit that in view of the grave nature of the allegations mentioned in the show cause notice and also keeping the public health in view, the suspension order was passed.

7. As can be seen from the show cause notice dated 02.05.2018 fifteen days time is given to the petitioner. Therefore, as rightly submitted by the petitioner, he has time till 17.05.2018 to offer his explanation. However, respondent No.3 has taken a drastic step of suspending the contract of the petitioner even before 17.05.2018 i.e, on 06.05.2018. Therefore, the injustice is manifest.

8. In the result, this Writ Petition is allowed and the suspension order dated 06.05.2018 is set aside and the respondent authorities are directed to permit the petitioner to operate the contract till they take appropriate decision on the explanation to be submitted by him by due date. Needless to emphasize, should the petitioner fail to submit explanation by due date, they are at liberty to pass an appropriate order. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

10.05.2018
MVA