

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3587 OF 2019

DATED :06.03.2019

Between :

Smt O. Krishnaveni W/o.Late K.Ramesh,
Age : 48 yrs, Occu : Catering Contractor,
H.No.6-2-194, Subashnagar, Nizamabad.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Social Welfare Department,
Hyderabad & others

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Social Welfare for respondents.

2. Petitioner is a catering contractor. She was served with notice dated 28.01.2019 alleging illegalities in providing catering service to the inmates of the hostel causing lot of hardship to the inmates and that the students are not able to eat food because of poor quality. Therefore, called upon the petitioner to explain why action should not be taken against her. Petitioner filed detailed explanation item wise of the allegations leveled, vide explanation dated 31.01.2019. By the order impugned the contract is terminated and work is entrusted to another contractor who was the second highest bidder.

3. However, a reading of the order would show that no reasons are assigned in support of the decision why the explanation offered by the petitioner is not valid. Though on some aspects, petitioner agree the deficiencies in the service, but petitioner was offering reasons why better service could not be provided. Whether those reasons are valid or only invented to overcome the deficiencies noticed, ought to have been considered and decision ought to have been made dealing with the explanation offered.

4. Thus, the order impugned is liable to be set aside on the ground of bereft of reasons in support of the decision and is accordingly set aside.

5. The Writ Petition is allowed and the matter is remitted to the Joint Collector/Chairman, DPC, Kamareddy Town & District-3rd respondent. The 3rd respondent is directed to consider the explanation offered by petitioner in response to the show cause notice by dealing with each of the item of explanation and shall pass orders. If the explanation offered by the petitioner is convincing, she should be restored as catering contractor. However it is made clear that as alternative arrangements are already made as the students should not suffer, the contractor who is entrusted with the work, shall continue to perform the catering service till final decision is made as directed above. The decision shall be made and communicated to the petitioner within a period of four (4) weeks from the date of receipt of copy of this order. Pending miscellaneous petitions, if any, shall stand closed.

06th March, 2019
Rds

P.NAVEEN RAO,J