

(2014) 12 AP CK 0155

In the Andhra Pradesh High Court

Case No : Writ Petition No. 39758 of 2014

Bandham Varalaxmi

APPELLANT

Vs

The State of Telangana and Others

RESPONDENT

Date of Decision : 26-12-2014

Acts Referred:

Citation : (2015) 3 ALD 447 : (2015) 4 ALT 593

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : C. Prakash, Advocates for the Appellant

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a Mandamus to set aside proceedings No. F/6861/2014, dated 19.12.2014, of respondent No. 2, whereby he has cancelled the petitioner's fair price shop authorisation.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (TS).

3. The petitioner's fair price shop authorisation was initially suspended by respondent No. 2 by order dated 04.12.2014 on the allegation that she has entered 27 bogus ration cards with adhaar seeding and attached photos of other persons to the said ration cards by impersonating the original cardholders. Later on a show cause notice was issued on 12.12.2014 by framing the following charge:

"You have prepared bogus cards of the deceased and non local candidates with their photographs and Aadhar cards."

4. The petitioner submitted her explanation, denying creation of any such bogus cards. By the impugned order, respondent No. 2 has cancelled the petitioner's authorisation.

5. A perusal of the impugned order shows that the same does not contain detailed reasons in support of the conclusion that the petitioner has created

bogus cards. All that respondent No. 2 has stated in his order is as under:

"On verification of the explanation submitted by the Fair Price Shop dealer vide reference 4th cited, it is noticed that she simply denied the allegations levelled against her. She was (sic has) not produced any document (sic documentary) evidence."

6. The law is well settled that an order adversely affecting the interests of a party requires to be supported by proper reasons. This is the principle of law, which needs to be followed not only by the Courts, but also by every quasi-judicial and administrative authorities. The necessity to give reasons is emphasised in a well articulated Judgment by G.S. Singhvi, J., in *G. Vallikumari Vs. Andhra Education Society and Others*, . It is instructive to re-produce the relevant part of the said judgment, at para-19, which is as under:

" The requirement of recording reasons by every quasi-judicial or even an administrative authority entrusted with the task of passing an order adversely affecting an individual and communication thereof to the affected person is one of the recognised facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority concerned."

This view has been reiterated by the Supreme Court in the subsequent judgments viz., *The Secretary and Curator, Victoria Memorial Hall Vs. Howrah Ganatantrik Nagrik Samity and Others*, and *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota Vs. Shukla and Brothers*, .

7. As noted above, the impugned order does not contain any reasons whatsoever, except stating that the petitioner has not produced any documentary evidence in support of her explanation, respondent No. 2 has not discussed the material collected in support of the charge against the petitioner. He has not even discussed in detail the contents of report, dated 03.12.2014, of respondent No. 3. Evidently, the petitioner was not supplied the said report. As the order of termination of licence causes serious adverse consequences to the petitioner, it is obligatory on the part of respondent No. 2 to conduct a detailed enquiry. This Court, in *B. Manjula vs. District Collector, Civil Supplies, Kurnool & others W.P. No. 32713 of 2011*, 26.11.2014, has discussed in detail the procedure to be followed by the appointing authority in the disciplinary proceedings initiated against the fair price shop dealers. Respondent No. 2 is, therefore, directed to follow the said procedure. In order to enable respondent No. 2 to follow the said judgment, a copy thereof shall be enclosed to this order.

8. For the above-mentioned reasons, the impugned order cannot be sustained and the same is, accordingly, set aside. Respondent No. 2 is directed to hold a detailed enquiry, by giving the petitioner an opportunity of being heard and following the procedure as discussed in *B. Manjula (supra)*, and pass a final order within two months from the date of receipt of this order. As the petitioner's authorisation is under suspension and having regard to the seriousness of the allegation made against her, it is desirable that suspension of her authorisation

shall be continued till passing of a final order.

9. The writ petition is, accordingly, allowed to the extent indicated above.

10. As a sequel, W.P.M.P. No. 49870 of 2014, filed by the petitioner for interim relief, is disposed of as infructuous.