

**HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT PETITION No. 31902 of 2015

DATED 30<sup>th</sup> September, 2015

BETWEEN

G.Nagi Reddy

...Petitioner

And

State of Andhra Pradesh,

Civil Supplies Department, Secretariat,

Hyderabad, rep. by its Secretary, and, ors.

....Respondents.

**HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT PETITION No. 31902 of 2015

**ORDER:**

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Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 6 of Kumili Village, Pusapatirega Mandal, Vizianagaram District. It appears that based on the complaint made by the Sarpanch of the village and 25 villagers, an enquiry

was ordered by the third respondent and the fourth respondent conducted the enquiry. Based on the report submitted by the fourth respondent, the authorization of the petitioner was suspended by proceedings dated 30.8.2014. Challenging the same, the petitioner filed Writ Petition No. 4817 of 2015 and this Court set aside the order of suspension by directing the third respondent to complete the enquiry and pass final order. Thereafter the third respondent issued a show cause notice on 16.5.2015 calling for explanation from the petitioner and the petitioner submitted his explanation on 23.5.2015 denying the allegations levelled against him. After considering the explanation, the authorization of the petitioner was cancelled by proceedings dated 29.5.2015. Challenging the same, the petitioner preferred an appeal to the second respondent, who by order dated 5.9.2015 confirmed the order of the third respondent dated 29.5.2015. Challenging the order of the second respondent dated 5.9.2015 the present Writ Petition is filed.

Three allegations are levelled against the petitioner and the petitioner denied the same. The third respondent passed an order on 29.5.2015 cancelling the authorization of the petitioner. Against the said order, the petitioner preferred an appeal to the second respondent, who by impugned order dated 5.9.2015 confirmed the order of the third respondent dated 29.5.2015 with the following observations.

“ After perusing the total case record and explanation of the Appellant it is no doubt that the dealer has not maintained accounts properly and committed mistakes. And also the allegations are very serious in nature and misused huge quantity of ECs for his personal gain which are meant for downtrodden people. Therefore, the orders of the RDO., issued cancelling the authorization vide proceedings Rc.No.1069/2014 G Dt. 29.5.2015 are holds good. Therefore the appeal petition is dismissed.”

A perusal of the impugned order does not show any valid and substantial reason for recording the said finding. The appellate authority is expected to have considered the appeal in a fair manner without being influenced by the

order passed by the lower authority. In the circumstances, the order passed by the second respondent dated 5.9.2015 is set aside and the matter is remanded to the second respondent for considering and disposing of the appeal afresh with valid reasons, within a period of sixty days from the date of receipt of a copy of this order, by giving due opportunity to the petitioner.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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***JUSTICE A. RAMALINGESWARA RAO***

DATED 30<sup>th</sup> September, 2015.

Msnr<sub>x</sub>