

D. Subba Rao vs The State Of Andhra Pradesh on 17 January, 1974

Equivalent citations: AIR1975SC94, (1975)4SCC808, 1974(6)UJ143(SC)

Bench: R.S. Sarkaria, V.R. Krishna Iyer

JUDGMENT

Krishna Iyer, J.

1. The appellant was elected as the president of the panchyat samithi of Bapatla on July 18, 1970. The Government for reasons set out in its communication, issued a show-cause notice dated the 26th September, 1972 asking the president to submit an explanation within 21 days of the receipt of that notice why he should not be removed. Thereafter, various communications and other proceedings took place with which we are not concerned in the light of the final order that we are passing. We have suggested a course to the parties, which counsel fairly agreed, was reasonable in the circumstances of the case.
2. The appellant has contended that the order removing him from his office as the president was passed without hearing him and the respondent State has contested his ground taking up the stand that an opportunity has been afforded but has not been taken advantage of. We are not going into the merits of the matter, because we feel that the ends of justice would be served by the following direction:-
3. The order impugned will be provisionally maintained, hut the appellant will be given an opportunity by the State Government to make his representation against the charges set out in the notice dated the 26th September, 1972, within six weeks from today. The appellant will be given an opportunity to peruse the relevant records within three weeks from today. The representation made by the appellant will be considered afresh by the State Government and on such a consideration, it will pass an order affirming, modifying or cancelling the order dated the 6th January, 1973.
4. Till the second order is passed, status quo will continue, in the sense that the vice-president, who is now discharging the functions of the president will continue to do so and no fresh by-election will be held. The second order that the State Government passes will not preclude the seeking of remedies under the law, if any.
5. The appeal is disposed of as above. The parties will bear their own costs in this Court.