

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.41164 of 2014

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Dated: 31.12.2014

Between:

G.Shasidhar

.. Petitioner

and

The State of Andhra Pradesh, rep. by its
Principal Secretary, Civil Supplies Department,
Secretariat, Hyderabad
and others.

.. Respondents

Counsel for the petitioner: Mrs. Hemalatha

Counsel for the respondents : AGP for Civil Supplies (AP)

The court made the following:

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ORDER:

This writ petition is filed for a Mandamus to set aside proceedings in RC.No.1375/2014E dated 09.10.2014 of respondent No.2, whereby he has suspended the petitioner's fair price shop authorisation.

A perusal of the impugned order shows that no specific allegations have been referred in the order, except making a reference to the purported report of respondent No.3. Indeed, this Court has held that the action of suspension being extreme in nature, the appointing authority shall not resort to such action, unless the nature of the allegations is so serious that it is not desirable to continue the fair price shop dealer till completion of enquiry and passing of a final order. (See **K.Nirmala V. Revenue Divisional Officer, Anatapur^[1], Thyrumala Setty Phanindra V. District Collector (CS), Guntur District and others^[2]** and in Writ Petition No.25823 of 2014 and batch, dated 07.10.2014). Unless the appointing authority refers to the nature of the allegations and records his satisfaction that the continuance of dealer is not in public interest, an order of suspension cannot be suspended.

As the impugned order is not only vague, but the same is shorn of any details regarding the nature of the allegations, the same is set aside. Respondent Nos.2 and 3 are directed to continue the petitioner as fair price shop dealer pending enquiry, if any.

The writ petition is, accordingly, allowed.

As a sequel to the allowing of the writ petition, W.P.M.P.No.51543 of 2014, filed by the petitioner for interim relief, is disposed of as infructuous.

31.12.2014
v v

[\[1\]](#) 2013 (1) ALT 339
[\[2\]](#) 2013 (5) ALT 237