

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4452 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies-Respondents 1 to 4.

2. This writ petition is filed seeking writ of *Mandamus* declaring the impugned proceedings of the 3rd respondent passed in Rc.No.DICS/ 260/2015 dated 12.02.2015 wherein the authorisation of the petitioner was kept under suspension on flimsy grounds without verifying the rule position regarding the issue of ration cards and of its cancellation, as illegal and arbitrary and for a consequential direction to the respondents to continue the petitioner as fair price shop dealer of Shop No.37 of Kandukuru Village, Anantapuram Mandal & District.

3. It is the case of the petitioner that she was appointed as a permanent FP shop dealer by proceedings dated 30.10.2016. Since the date of appointment, she has been discharging her duties to the satisfaction of the superiors and public in general. At the instance of local politicians, the respondents are creating troubles to the petitioner on flimsy grounds. In the month of June, the FP shop dealer of Shop No.38 was suspended and the petitioner herein was appointed as in-charge of Shop No.38. The respondents issued proceedings dated 16.08.2014 under Section 6-A of the Essential Commodities Act, 1955 and the 3rd respondent has issued consequential proceedings dated 23.08.2014 suspending the authorisation of the petitioner. The petitioner filed WP No.26563 of 2014. This Court disposed of the said writ petition on 19.09.2014 observing that the impugned orders were issued without application of mind and without taking into consideration the guidelines issued by 1st respondent in GO Ms.No.12 dated 27.02.2009 in spite of 6-A case was dropped against the petitioner by giving clear finding that there was no supply of stocks to the petitioner. Thereafter, the 3rd respondent without applying his mind cancelled the petitioner's authorization by proceedings dated 28.10.2014. Then the petitioner filed

WP No.34280 of 2014 challenging the proceedings dated 28.10.2014 and this Court passed interim orders suspending the impugned proceedings dated 28.10.2014. The 3rd respondent also submitted to this Court on 01.12.2014 that the impugned proceedings issued by him were dropped and he restored the authorisation by proceedings dated 07.11.2014. It is further submitted that on the allegations mentioned in the impugned order, the petitioner submitted his explanation to the show cause notice issued by the 3rd respondent dated 31.01.2015 on 09.02.2015. Without considering the said explanation, the 3rd respondent again issued impugned proceedings dated 12.02.2015 keeping the petitioner's authorisation under suspension. Hence, the petitioner filed the present writ petition to set aside the said impugned proceedings and for consequential direction to the respondents to continue the petitioner as fair price shop dealer.

4. Having regard to the events which preceded the suspension order, the suspension order is hereby revoked. It however, does not preclude the authorities from conducting enquiry and passing final orders. The order of revocation shall be in force till the conclusion of the enquiry in to the allegations mentioned in the show cause notice.

5. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

R. KANTHA RAO, J

Date: 26.02.2014

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