

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15519 of 2015

ORDER:

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

The petitioner is a regular dealer of fair price shop No.25 of Kancharagunta Village of Kandukur Mandal, Prakasam District. On 08.04.2015, the Food Inspector, Kandukur inspected the fair price shop of the petitioner, verified the stock, found no variations but submitted report to the 2nd respondent. Based on the said report, the 2nd respondent issued show cause notice dated 21.04.2015 to the petitioner, for which, she submitted her explanation on 01.05.2015. Being not satisfied with the same, the 2nd respondent *vide* proceedings dated 25.05.2015 suspended the authorization of the petitioner, pending enquiry. Challenging the same, the present writ petition is filed.

I have perused the impugned proceedings dated 25.05.2015. Charge No.1 relates to the variations reported by the Food Inspector *vide* report dated 08.04.2015 and charge No.2 relates to non-distribution of essential commodities in the place specified by the competent authority. The petitioner submitted her explanation with regard to the alleged variation and the circumstances under which she is distributing the essential commodities at the place not specified by the competent authority. Without considering the same, the 2nd respondent recorded a finding that the petitioner did not submit her explanation properly to the charges levelled against her and while affording one more opportunity of conducting enquiry on 27.06.2015, suspended the authorization.

Initially, at the time of issuance of show cause notice on 21.04.2015, the 2nd respondent did not thought it fit to suspend the authorization and wanted to conduct enquiry on 27.06.2015 by affording one more opportunity. What made him to suspend the authorization pending enquiry is not known from the impugned proceedings. It is not necessary in every case that the authorization of the petitioner should be suspended pending enquiry.

A perusal of the allegations made against the petitioner disclose that they can

be verified even without suspending the authorization. In the circumstances, this Court feels that it is a fit case where suspension of authorization should be set aside.

Accordingly, the impugned proceedings dated 25.05.2015 issued by the 2nd respondent to the extent of suspending the authorization is set aside, and liberty is given to the 2nd respondent to conduct the enquiry against the petitioner and complete the same within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date : 04.06.2015

ssp