

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.16702 OF 2015

ORDER:

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

The petitioner was appointed as a Fair Price Shop Dealer of Venkatapuram Village, Vajrapu Kotturu Mandal, Srikakulam District.

While so, the Tahsildar inspected the shop of the petitioner on 10.04.2015 along with the Inspector of Police, Vigilance & Enforcement Department and submitted a report to the third respondent on 13.04.2015. Based on the same, the third respondent issued a show cause notice dated 06.05.2015 levelling the following allegations.

Charge-I : That being a responsible F.P.Shop dealer he is diverting the Essential Commodities to open market and thus doing clandestine business.

Charge-II : That being a responsible F.P.Shop dealer he is not maintaining the records properly.

The petitioner submitted his explanation on 12.05.2015. After receipt of the explanation, the third respondent, without recording a finding, merely stated that the explanation is not satisfactory and not convincing and accordingly, he issued an order in Rc.No.528/2015 dated 03.06.2015 suspending the petitioner's authorization pending 6-A proceedings. Challenging the said order, the present Writ Petition is filed.

The third respondent should have seen that the disciplinary proceedings are different from 6-A proceedings and he should have passed an independent order in respect of disciplinary proceedings for which a show cause notice was issued on 06.05.2015. Now, an explanation is submitted by the petitioner to the charges alleged against him. The third respondent shall now pass a final order giving due reasons, as the order dated 03.06.2015 does not contain any reasons.

In the circumstances, the order dated 03.06.2015 is set aside and the matter is remanded to the third respondent for consideration of the explanation submitted

by the petitioner afresh in accordance with law and pass final order within a period of three (3) months from the date of receipt of a copy of this order. Though the petitioner is stated to have filed an appeal against the impugned order, now, in view of the order passed by this Court, the appeal becomes infructuous.

The Writ Petition is, accordingly, allowed and remanded. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

12th June 2015

RRB