

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.19474 of 2015

ORDER:

The petitioner is a temporary fair price shop dealer of shop No.107 of Nellore Town. While so, on 15.06.2015 the Assistant Grain Purchasing Officer, Nellore, along with other staff, inspected her shop. They had seized the ground stock on the allegation that there were certain variations. The second respondent issued a show cause notice-cum-suspension order dated 26.06.2015. Challenging the said order, the present Writ Petition is filed.

This Court has carefully perused the charges levelled against the petitioner. With regard to charge No.1, learned Counsel for the petitioner submits that, though the impugned show cause notice-cum-suspension order did not indicate the full details of variation, the proceedings of the Joint Collector, dated 17.06.2015, indicated the full details of the stock, as per which, the variation is permissible. The rest of the charges are technical in nature. All these allegations can be enquired into by the competent authority without keeping the petitioner under suspension. Proceedings under Section 6-A of the Essential Commodities Act are also initiated against the petitioner, and the same is pending.

However, in view of the nature of the allegations, this Court feels that the suspension of authorisation of the petitioner is unwarranted, and the impugned order is, accordingly, set aside. The second respondent is directed to complete the enquiry in respect of the allegations levelled against the petitioner, within a period of three months from the date of receipt of a copy of this order and pass a final order thereon.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

30.06.2015
vs

(A.RAMALINGESWARA RAO, J)