

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.8195 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 5.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in suspending the authorization of the petitioner *vide* proceedings dated 12.3.2015, as arbitrary and illegal.

The petitioner is the dealer of fair price shop No.24, Annavarappadu Village, Peravali Mandal, West Godavari District and her authorization is subsisting till 31.3.2015. While so, the authorization of the petitioner was suspended on the allegation of committing certain irregularities. Pursuant to the same, the petitioner submitted her explanation.

Learned counsel appearing for the petitioner submits that the explanation was submitted by the petitioner on 11.3.2015 and the suspension order was passed on 12.3.2015 stating that no explanation was submitted by the petitioner. Learned counsel further submits that earlier when the stocks were not entrusted to petitioner's fair price shop, she approached this Court by filing W.P.No.35301 of 2014, and this Court took the view that the impugned order passed therein was without jurisdiction and directed the respondents to resume supplies to the petitioner for distribution so long as her fair price shop authorization subsists and hence, seeks to set aside the impugned suspension order.

Learned Government Pleader for Civil Supplies submits that as many as 10 charges have been levelled against the petitioner and Division Bench of this Court in WAMP No.343 of 2015 in WA No.118 of 2015, held that at the enquiry stage, the authority concerned has to examine the *prima facie* case, whether there has been any serious allegations or not, and at that stage, the explanation is not required to be looked into and the

same is required to be examined at the time of final hearing of the enquiry.

Having regard to the submissions made by the learned counsel on either side and taking into consideration the order passed by the Division Bench, the 3rd respondent is directed to complete the enquiry and pass final order within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

26th March, 2015

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