

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.27279 OF 2015

ORDER:

The petitioner is the Fair Price Shop Dealer for Shop No.187, Sachivalaya Nagar, Vanasthalipuram. He was appointed under Physically Handicapped Quota. It appears that the Assistant Supply Officer reported to the 3rd respondent stating that the Sub-Inspector of Police, Vanasthalipuram Police Station went to Ravi Commercial Shutter, Opposite to Cold Storage, Autonagar and raided the same and found one person selling kerosene to the lorry driver and the lorry driver was taken into custody and he confessed that the accused-Ravi purchased the said kerosene from the fair price shop dealer, Sama Kiran of Shop No.187. It is also stated that Sama Kiran was working as assistant to the fair price shop dealer and the original dealer is the petitioner herein. On the basis of the said report, the authorization of the petitioner was suspended and a show cause notice was issued to the petitioner on 20-08-2015. Challenging the same, the present writ petition is filed.

2. The order of suspension states that the said order was issued in exercise of powers conferred under Clause 2 (5) of Annexure-I of the Control Order, 2008 on the ground that the fair price shop dealer was involved in a criminal case. The above facts show that the petitioner was not involved in any criminal case, but his assistant was involved in the criminal case. In the circumstances, the exercise of powers of suspension by the 3rd respondent is unwarranted and accordingly, set aside. However, the 3rd respondent shall conduct an enquiry in respect of the allegations levelled against the petitioner by giving due opportunity to the petitioner and pass final orders thereon within a period of 3 months from the date of receipt of a copy of this order.

3. Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 03-09-2015

Hsd