

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17393 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.57 of Guntakal Town and Mandal, Anantapur District. The 3rd respondent submitted a report on 05.03.2015, based on which, a show cause notice was issued by the 2nd respondent on 13.03.2015 framing four charges against the petitioner. The petitioner submitted her explanation to the show cause notice on 04.04.2015. Without conducting any enquiry, but based on the explanation of the petitioner, the impugned order was passed by the 2nd respondent on 07.04.2015 by extracting the explanation and repeating the charges and recording the findings. This writ petition is filed challenging the impugned order.

3. I have carefully perused the charges, explanation and the findings recorded by the 2nd respondent. Earlier also,

I noticed that the 2nd respondent has not been properly disposing of the cases arising under the Essential Commodities Act, but routinely passing orders holding that the explanation offered by the dealer was not convincing and he deserves serious punishment. In view of the disposal of this matter in the manner indicated below, this Court is not inclined to comment on the merits of the case. The writ petition is accordingly allowed, setting aside the order dated 07.04.2015 passed by the 2nd respondent and remanding the case to him for considering the explanation submitted by the petitioner and conducting an enquiry into the allegations leveled against the petitioner and passing appropriate orders, in accordance with law, within a period of 30 days from the date of receipt of a copy of the order.

4. The Writ Petition is accordingly allowed as indicated above. Miscellaneous

petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

17th June, 2015

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