

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.5419 of 2015

Date: 26-3-2015

Between

Y.Brahmaiah

... Petitioner

and

The State of A.P.,

Rep. by its Prl. Secretary,

Civil Supplies Dept.,

Secretariat, Hyderabad;

and 5 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.5419 of 2015

Order:

Heard Sri G.Pedda Babu, learned counsel appearing for the

petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. The petitioner is the fair price shop dealer of shop No.27 of Chilakaluripet Town and Mandal, Guntur district. The said shop was inspected by the authorities and certain variations have been allegedly noticed. Thereafter, basing on the inspection report, a case under Section 6-A of the Essential Commodities Act, 1955 was filed before the Joint Collector, Guntur and the Joint Collector, Guntur, by order dated 20-8-2014, confiscated the entire seized stock and directed the appointing authority to finalise the disciplinary proceedings against the petitioner within 21 days.

3. It is submitted by the learned counsel appearing for the petitioner that since the date of seizure, no notice initiating any proceedings in respect of his authorisation was issued to him nor was any enquiry held. It is further submitted that to the knowledge of the petitioner, his authorisation was not suspended. In the alternative, it is submitted that even if there is any suspension, it shall remain in force only for 90 days but cannot be for an indefinite period. Therefore, he seeks to set aside the suspension order and issue a direction to the respondents to allot essential commodities to the fair price shop of the petitioner.

4. On the other hand, the learned Government Pleader for Civil Supplies, on instructions, submitted that the authorisation of the petitioner was suspended on 20-01-2014. As can be seen from the order passed by the 3rd respondent-Joint Collector, Guntur, the 4th respondent-Revenue Divisional Officer, Narsaraopeta, has to initiate proceedings in respect of the authorisation of the petitioner within 21 days of the order passed by the Joint Collector, Guntur.

5. It is submitted on behalf of the petitioner that the petitioner is not aware of initiation of any proceedings. Even if it is accepted that the suspension order was duly passed on 20-01-2014, an enquiry has to be held into the allegations levelled against the petitioner and final order has to be passed by the appointing authority within 90 days from the date of passing of the suspension order but no such enquiry has so far been initiated.

6. Under these circumstances, the writ petition is disposed of directing the 3rd respondent-RDO, Guntur to conduct enquiry, if at all any, as contemplated within a period of 4 (four) weeks and pass final orders within the said period. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

26th March, 2015.

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