

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.15816 of 2015

ORDER:

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

The petitioner is a handicapped person with 90% disability. He was appointed as a fair price shop dealer of shop No.35 of Krishnapuram Village, Veldurthy Mandal in Kurnool District, in the year 2001. The second respondent issued orders of suspension on 07.10.2014 suspending the authorisation of the petitioner pending enquiry on the ground that the Tahsildar submitted a report on 22.09.2014. Challenging the same, the petitioner filed W.P.No.38751 of 2014, and when the learned Government Pleader reported that the second respondent, by his proceedings dated 17.12.2014, restored the authorisation, the Writ Petition was disposed of directing the third respondent therein to drop all further proceedings in view of the nature of allegations. After disposal of the above Writ Petition, the second respondent again passed the orders of suspension on 22.05.2015 raising the following allegations:

“1. F.P.Shop dealer has distributing the Essential Commodities one or two days in the month and said to the cardholders commodities giving in the next month.

2. F.P.Shop dealer has given less weighments of commodities to the cardholders.”

I have perused the above allegations and even if it is assumed that if the allegations are to be proved, those allegations can be verified without keeping the authorisation of the petitioner under suspension. I have also perused the earlier order dated 07.10.2014, which contains more serious allegations than the present one. The second respondent himself withdrew the earlier orders by proceedings dated 17.12.2014. The above allegations do not warrant the

exercise of discretionary power by the second respondent. However, this will not preclude the second respondent to conduct any enquiry, if he so chooses.

In the circumstances, the order of suspension of authorisation of the petitioner under proceedings dated 22.05.2015 is set aside giving liberty to the second respondent to conduct the enquiry in respect of the allegations levelled against the petitioner, if he so chooses, and complete the same within a period of three months from the date of receipt of a copy of this order after observing the principles of natural justice.

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

(A.RAMALINGESWARA RAO, J)

08.06.2015

vs

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