

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.19801 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. With the consent of parties, the Writ Petition is being disposed of at the stage of admission.

The petitioner was appointed as a fair price shop dealer of F.P.Shop No.29, Gorukallu Village, Panyam Mandal, Kurnool District, on temporary basis. The authorization is valid upto 31.03.2014. The petitioner states that renewals were not extended to fair price shop dealers in respect of Panyam Mandal. However, the petitioner was supplying essential commodities after expiry of the said authorization. The third respondent inspected the shop of the petitioner on 05.01.2015, and noticed some variation in stock and initiated 6A proceedings against him. On the basis of the report submitted by the third respondent on 06.01.2015, the authorization of the petitioner was suspended by the second respondent by proceedings 13.02.2015. The said suspension was challenged by the petitioner in W.P.No.6322 of 2015. By order dated 12.03.2015, this Court disposed of the said Writ Petition directing the second respondent to conduct an enquiry, and pass final orders, within a period of two months from the date of receipt of a copy of the order. The petitioner states that, though he submitted explanation, no action was taken. Now the impugned show cause notice dated 16.05.2015 was issued repeating same charges covered by show cause notice dated 16.02.2015. However, two more charges are added. Challenging

the said show cause notice, the present Writ Petition is filed.

I have perused the show cause notice dated 16.02.2015 and 16.05.2015. As already stated above, the impugned show cause notice repeated three charges mentioned in the show cause notice dated 16.02.2015, and two more charges, including the charge that the petitioner was appointed on temporary basis. A perusal of the charges do not indicate that they are serious enough to suspend the authorization of the petitioner. However, in view of the earlier order of this Court, in W.P.No.6322 of 2015 dated 12.03.2015, the second respondent should have completed the enquiry but, without completing the enquiry within the time stipulated by this Court, the second respondent issued the impugned show cause notice.

In the circumstances, the Writ Petition is disposed of directing the second respondent to conduct an enquiry and complete the same, duly observing the principles of natural justice, and also taking into consideration the explanation of the petitioner dated 02.06.2015, within a period of thirty days from the date of receipt of a copy of this order.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:02.07.2015
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