

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22830 of 2015

ORDER:

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

The petitioner was appointed as fair price shop dealer of shop No.39 of Dindi-Adavala Village, Nizampatnam Mandal, Guntur District. While so, on 02.08.2013 his shop was inspected by the Vigilance and Enforcement officials along with Deputy Tahsildar (Civil Supplies), Duggirala, who noticed that the petitioner is diverting PDS rice into black market in the auto bearing No.AP-16-TA-7142. Based on the same, the Inspecting Officials gave report to the first respondent-Joint Collector, Guntur u/s.6-A of Essential Commodities Act. A show cause notice was issued by the second respondent-Revenue Divisional Officer, Tenali on 08.08.2013 framing two charges against the petitioner. On the same day, without giving any time to the petitioner for submission of his explanation, the second respondent suspended the authorization of the petitioner until further orders. Thereafter, on 13.08.2013 the first respondent passed orders directing the third respondent to take delivery of the seized stocks from the custodian and distribute the same to the cardholders through nearby/ in-charge dealer pending final decision.

Later, the petitioner filed appeal before the first respondent seeking to set-side the orders of the second respondent dated 08.08.2013 suspending the authorization of the petitioner.

The said appeal was rejected by the first respondent on 10.02.2014 on the ground that the petitioner filed appeal after lapse of four months, however, the first respondent directed the second respondent to complete the enquiry pending against the petitioner immediately.

Aggrieved by the orders of first respondent dated 10.02.2014, the petitioner filed W.P.No.23208 of 2014 before this Court. This Court set aside the suspension orders of second respondent dated 08.08.2013 and directed the respondents to continue the petitioner as

fair price shop dealer till passing of final orders. Pursuant to the above orders, the second respondent directed the third respondent to continue the petitioner as fair price shop dealer.

Further, the first respondent passed orders dated 12.03.2015 for confiscation of the seized stocks of the petitioner and for remittance of sale proceeds to the Government. Aggrieved by the same, the petitioner filed Criminal Appeal before the District and Sessions Judge, Guntur u/s.6-C of Essential Commodities Act and the same is pending.

Again, the second respondent issued final show cause notice to the petitioner on 28.04.2015, to which the petitioner submitted his explanation on 07.05.2015. Having not satisfied with the said explanation, the second respondent suspended the authorization of the petitioner by order dated 16.05.2015. Aggrieved by the same, the petitioner again filed appeal before the first respondent along with stay application. When the first respondent did not dispose of the stay application or the appeal, the present writ petition is filed.

In view of the appeal preferred by the petitioner on 04.06.2015 before the first respondent, this Court is not inclined to go into the merits of the case at this stage. However, the first respondent is directed to consider the stay application of the petitioner in the appeal and pass appropriate orders thereon, within a period of one week from the date of receipt of a copy of this order. The first respondent shall take up the appeal also and dispose of the same on merits, in accordance with law, within a period of 60 days from the date of disposal of the stay application.

With the above directions, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 23.07.2015

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