

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9098 of 2015

BETWEEN

Sri K.R. Harinath Reddy.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department,
Secretariat, Hyderabad and two others.

...RESPONDENTS

Counsel for the Petitioner: MR. P.R. BALARAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES (AP)

The Court made the following:

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ORDER:

Petitioner is a fair price shop dealer at D.No.4-1, Kondur village, Lepakshi Mandal, Anantapur District and has been working as such for the last seven years without any complaint from any quarter. Petitioner questions the impugned order of suspension pending enquiry passed by the second respondent dated 20.03.2015, on the ground that the said order is passed on the inspection report said to have been furnished by the Tahsildar, Lepakshi dated 12.03.2015.

2. Learned counsel for the petitioner submits that under clause 5(v) of the A.P. State Public Distribution System (Control) Order, 2008, the appointing authority has to itself make necessary enquiry and only thereafter, can suspend the authorization and in the present case, since the suspension order is passed by respondent No.2, on the basis of the report of the Tahsildar, the suspension is not warranted.

3. I find it difficult to accept the said contention, as the Revenue Divisional Officer, second respondent, is, admittedly, the appointing authority and can issue order of suspension on the basis of any information which comes to his notice about irregularity and he is entitled to take appropriate action. Hence, the second respondent, on the basis of the information received by him through the Tahsildar, can certainly take up enquiry into the matter. Since the said order of suspension itself gives seven days time to the petitioner to submit explanation, petitioner is at liberty to submit his explanation, if not already submitted. Since the petitioner states that he has already submitted explanation on 27.03.2015, the second respondent shall consider the same on its own merits and pass appropriate orders within period of two (2) weeks from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any,

shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 2, 2015

DSK