

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34138 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.30, Bareguda Village, Kaghaznagar Mandal, Adilabad District. While so, on 07.09.2015, the Deputy Tahsildar, Kaghaznagar inspected the shop of the petitioner and noticed some variation in the stock. In respect of the same, 6-A proceedings were initiated and they are pending before the second respondent. However, basing on the report of the Deputy Tahsildar, dated 23.09.2015, the third respondent passed an order on 29.09.2015 suspending the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

3. The impugned order dated 29.09.2015 reads as follows:

“ In view of the above, the Authorization bearing No.01/KZR/2010 issued to Sri S.Srinivas dealer, F.P.Shop No.30, Bareguda of Kagaznagar Mandal is hereby suspended with immediate effect under the provision of 7(1) of A.P.Scheduled Commodities Dealer (License Storage Regulation) Order, 2008 till the final orders passed by the Collector (CS) Adilabad.

The Tahsildar, Kagaznagar Mandal is instructed to take necessary action to submit the proposals by keeping adjacent dealer in charge for F.P.Shop No.30, Bareguda to avoid inconvenience to the card holders.”

4. It is true that 6-A proceedings were initiated against the petitioner and they are pending before the second respondent. But, the third respondent is an independent authority, who has to apply his mind whether disciplinary proceedings can be taken against the petitioner or not. Merely because 6-A proceedings were initiated against the petitioner, the third respondent cannot

suspend the authorization of the petitioner. The third respondent did not issue any show cause notice and no proceedings were taken up by the third respondent. If the third respondent wants to take up the disciplinary proceedings against the petitioner, he has to first issue a show cause notice, invite explanation and pass an order after conducting enquiry. The third respondent should have seen that pendency of 6-A proceedings are different from disciplinary proceedings.

5. In the circumstances, since the impugned order of suspension was passed solely on the basis of pendency of 6-A proceedings, the same is set aside and the matter is remanded to the third respondent giving him liberty to take up disciplinary proceedings against the petitioner in accordance with law, if he so intends.

6. The Writ Petition is, accordingly, allowed. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 14.10.2015

TJMR

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