

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35296 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 permanent fair price shop dealer of shop No.1 of Dharoor Village and Mandal, Ranga Reddy District. On 25.06.2015, the Mandal Revenue Inspector inspected the shop of the petitioner and noticed some variation in the stock. On the basis of the report submitted by him, the authorization of the petitioner was suspended, by order of the third respondent dated 23.07.2015. The said order was challenged before this Court in W.P.No.23938 of 2015 and this Court disposed of the same, by its order dated 31.07.2015, suspending the order of suspension dated 23.07.2015, but gave liberty to the third respondent to conduct an enquiry in the light of explanation submitted by the petitioner on 08.07.2015. In spite of the order of this Court suspending the order of suspension when the petitioner was not supplied the essential commodities for onward distribution, the present Writ Petition is filed.

3. The learned counsel for the petitioner brought to the notice of this Court the letter addressed by the third respondent to the second respondent on 29.09.2015 seeking the second respondent to pass appropriate orders in the appeal pending before him. The relevant portion of the letter reads as follows:

“ The charges against the dealer have been proved and accordingly, he was suspended by this office orders in the reference 1st cited.

However on the directions of the Hon'ble High Court in the reference 2nd cited, I have taken up re-enquiry into the case by issuing memo to the dealer on 31-08-2015 to hear the version of the dealer once again on 03-09-2015.

The dealer has attended before me on the date of

hearing. He has filed written statements in which he has offered his excuse for putting political pressure in this case. He has stated that 14.92 Quintals of rice was available at the time of enquiry conducted by the Tahsildar, Kharur Mandal. As verified the distribution register the balance of stock should be 18.61 Quintals. Hence, there is a variation of stock noticed. The FPS dealer has not explained reasons on the part of the said charges framed against him, which is not satisfactory.

In view of the above findings, I request the kind authority to pass appropriate orders in this case. The original file No.I/739/2015 is herewith enclosed for kind perusal.”

4. In view of the order passed by this Court on 31.07.2015, the third respondent should have continued the petitioner as the fair price shop dealer and completed the enquiry. It is not known under what circumstances, the third respondent addressed the letter when this Court directed the third respondent to conduct an enquiry and pass final orders while suspending the order of suspension of authorization. The earlier order was also passed in view of the peculiar direction issued in the order dated 23.07.2015. The present letter also does not indicate under what circumstances, the third respondent addressed the letter to the second respondent when the enquiry was pending before the third respondent. This type of approach of the third respondent is not appreciated. The third respondent, being the competent authority, had to apply his/her mind to the facts of the case and take a decision in accordance with law.

5. In view of the order passed by this Court in W.P.No.23938 of 2015 dated 31.07.2015 and non-conclusion of the enquiry by the third respondent, this Writ Petition is allowed directing the third respondent to continue the petitioner as the fair price shop dealer and supply the essential commodities till passing of final orders by her. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 29.10.2015
TJMR