

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8890 of 2015

ORDER:

The petitioner was appointed as temporary Fair Price Shop dealer of Dumpalagattu Village, Khajipet Mandal, Kadapa District in the year 2004. While so, the petitioner was suspended as a dealer vide proceedings dated 09.08.2008 pending enquiry. Thereafter, no show cause notice was issued. When the petitioner submitted a representation on 28.07.2014 and when the same was not considered, the petitioner filed W.P.No.24560/2014. This Court, by order dated 27.08.2014, directed the third respondent therein to consider the said representation and pass orders thereon, and accordingly orders were passed on 16.10.2014 by the third respondent rejecting the request of the petitioner for reappointment as Fair Price Shop dealer. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that though the order dated 09.08.2008 stated that the petitioner was suspended as temporary dealer pending enquiry, no show cause notice was issued and no enquiry was conducted thereafter. Though the order was passed by the third respondent on 16.10.2014 pursuant to the representation dated 28.07.2014, that should not come in the way of the third respondent from continuing the proceedings pursuant to the order dated 09.08.2008.

A perusal of the record shows that after passing of the order dated 09.08.2008, a crime was registered against the petitioner in Cr.No.95/2008 in respect of the essential commodities only and the case was heard by the Judicial Magistrate of First Class, Mydukur, in C.C. No.694/2008 wherein the petitioner was acquitted on 31.05.2012 along with two other accused persons. Based on the said judgment,

the petitioner submitted a representation on 28.07.2014 seeking reinstatement, and the same was rejected by order dated 16.10.2014. Now the petitioner says that though his representation was rejected by taking into consideration the involvement in the said criminal case where he was acquitted, the proceedings initiated by suspending him as a dealer on 09.08.2008 remains where they were.

In view of the above, as the third respondent has passed an order way back on 09.08.2008 suspending the dealership of the petitioner pending enquiry and no proceedings were taken thereafter, this Writ Petition is disposed of directing the third respondent to take that fact of suspension pending enquiry into consideration, and if the third respondent wants to continue the said proceedings, the third respondent can issue a show cause notice, invite explanation and conduct an enquiry. While conducting enquiry, the order passed by him on 16.10.2014 shall not come in the way of the third respondent from passing an order independently pursuant to the proceedings dated 09.08.2008. The entire process shall be completed within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.09.2015
MVA

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Date: 21.09.2015

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