

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.37118 of 2015

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Between:

Y.V.Narayana Reddy

PETITIONER

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Department of Civil Supplies, Secretariat Buildings, Saifabad, Hyderabad, and others.

RESPONDENTS

ORDER:

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

This writ petition is filed challenging the action of the 4th respondent in issuing impugned proceedings in Rc.No.1533/2014-A, dated 13.10.2015 suspending the authorization of the petitioner to run the Fair Price Shop No.8, Inuparajupalli Village, Karempudi Mandal, Guntur District, without considering the explanation submitted by the petitioner, as arbitrary and illegal.

The case of the petitioner is that he was appointed as fair price shop dealer of shop No.8, Inuparajupalli Village, Karempudi Mandal, Guntur District in the year 1995 for supply of essential commodities as well as kerosene oil to the card holders and the said authorization has been renewed from time to time. The Revenue Divisional Officer, Gurazala, the 4th respondent herein issued show cause notice dated 04.09.2015 on the ground that there is shortage of 2.25 quintals of PDS rice and the same has been diverted by the petitioner to the black market. The petitioner submitted his explanation stating that the variation in the stock is only about 6 kgs of PDS rice as against the allegation of the respondents 2.25 qts. The grievance of the petitioner is that the 4th respondent, without considering his explanation, issued the impugned proceedings dated 13.10.2015 temporarily suspending the authorization of the petitioner pending enquiry. Hence the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the explanation submitted by the petitioner has not been considered by the 4th respondent while passing orders dated 13.10.2015 suspending the authorization.

On the other hand, learned Government Pleader for Civil Supplies submits that the order dated 13.10.2015 is only a temporary suspension pending enquiry.

Normally, this Court does not interfere in the cases of suspension pending enquiry, unless there is serious allegations.

Having considered the rival submissions of both the learned counsel and having perused the record, I am not inclined to interfere with the order dated 13.10.2015, firstly, on the ground that the same is only suspension pending enquiry. Secondly though the petitioner submits that he had submitted explanation, it does not bear any date or any endorsement having been received by the 4th respondent. Even in the impugned proceedings it has been categorically stated that though notice was served on the petitioner on 4.09.2015, no explanation was submitted even as on the date of passing of the orders on 13.10.2015.

In the light of these disputed facts, considering the fact that it is only suspension pending enquiry, I deem it appropriate to direct the 4th respondent to consider the explanation said to have been submitted or that may be submitted by the petitioner, while conducting enquiry as to whether the suspension pending

enquiry requires to be continued pending disposal of the regular enquiry or the same can be modified.

Accordingly the writ petition is disposed of directing the 4th respondent to consider the explanation said to have been submitted by the petitioner and any further explanation which the petitioner may desire to submit both with respect to facts and law, and conduct enquiry as to whether the suspension pending enquiry requires to be continued pending disposal of the regular enquiry or the same can be modified, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

As a sequel, pending miscellaneous petitions, if any, shall stand disposed of.
No order as to costs.

CHALLA KODANDA RAM, J.

16th November, 2015

Js.