

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.4876 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was appointed as a fair price shop dealer of Shop No.9 situated at Bodduvaripalem Village, Santhanuthalapadu Mandal, Prakasam District on permanent basis. While so, the Enforcement Deputy Tahsildar, Singarayakonda inspected the shop of the petitioner on 23.03.2012, basing on which 6-A proceedings were initiated against him. Along with 6-A proceedings, the third respondent issued a show cause notice on 05.04.2012, for which the petitioner submitted his explanation. Along with the show cause notice, the third respondent also passed an order on 05.04.2012 suspending the authorization of the petitioner. The petitioner preferred an appeal against the order of suspension of his authorization on 02.05.2015 and the appellate authority passed an order directing the third respondent to dispose of the disciplinary proceedings within a period of four weeks.

It is submitted by the learned counsel for the petitioner that 6-A proceedings were also culminated in allowing Criminal Appeal No.191 of 2012 by the learned Principal Sessions Judge, Ongole on 28.03.2014. In spite of the order of the Collector and allowing the criminal appeal, the third respondent has not passed any orders so far.

In support of his submissions, the learned counsel for the petitioner cited two judgments. A learned single Judge of this Court in ***Sandraboyina Guravaiah v. State of Andhra Pradesh*** observed that the suspension of authorization of fair price shop has to be revoked as the enquiry is not completed within 90 days. In ***Joint Collector, Kurnool v. A. Neelima***, a Division Bench of this Court observed that continuation of order of suspension indefinitely is arbitrary. The third respondent while issuing instructions to the Government Pleader, in fact, has not explained any reason as to why the disciplinary proceedings are pending since 2012.

In the circumstances of the case, a final opportunity is given to the third respondent to complete the enquiry pursuant to the show cause notice dated 05.04.2012 issued against the petitioner, within a period of 30 days, from the date of receipt of a copy of this order and shall pass appropriate final orders thereon after giving opportunity to the petitioner and observing the principles of natural justice.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A. RAMALINGESWARA RAO, J)

Date: 11.06.2015

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