

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No. 34741 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of Shop No.316, Circle-III, Hyderabad. The shop of the petitioner was inspected on 15.09.2015 and some variation in the stock was noticed. In respect of the same, 6A proceedings were initiated and they are pending. On the ground that 6A proceedings are pending, the authorisation of the petitioner was suspended by the second respondent by proceedings dated 22.09.2015. Challenging the same, the present Writ Petition is filed.

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

In the circumstances, this Court is satisfied that the proceedings dated 22.9.2015 issued by the second respondent are untenable at this juncture and are accordingly set aside. However, it is open for the second respondent to take up the proceedings in accordance with law, if he wants to take up any disciplinary proceedings or otherwise restore the authorisation of the petitioner. If the second respondent wants to take up the disciplinary proceedings, it is needless to state that those proceedings shall be completed within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

Date: 29.10.2015
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A.RAMALINGESWARA RAO, J