

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29155 of 2015

DATED 9th September, 2015

BETWEEN

Kotra Murali Das

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department, AP Secretariat,
Hyderabad and ors.

...Respondents

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29155 of 2015

ORDER:

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

The petitioner was appointed as a permanent Fair Price Shop Dealer for Shop No. 30 of Audipudi Village, Karamchedu Mandal, Prakasam District. He received the stock of essential commodities for the month of October, 2009 and distributed the same to the cardholders immediately. Thereafter he received a show cause notice on 31.10.2009 issued by the second respondent levelling two charges against him. Pursuant to the said show cause notice, the petitioner through his counsel appeared before the second respondent on 21.11.2009, however, on that day, the second respondent was not available.

Thereafter he submitted his explanation on 23.11.2009. However, without passing any order of suspension or cancellation, a temporary Fair Price Shop Dealer was appointed in the place of the petitioner. Aggrieved by the same, the petitioner filed Writ Petition No. 21782 of 2009 and this Court disposed of the said Writ Petition by order dated 30.03.2010 giving opportunity to the petitioner to prefer an appeal against the order of the first respondent suspending the authorization. Pursuant to the said order of this Court, though the petitioner approached the second and third respondents requesting for issuance of a copy of the proceedings dated 31.10.2009, there was no response to the said request. Even after lapse of nearly six years, no enquiry was conducted by the second respondent. Though the petitioner submitted a representation on 20.01.2015 for restoration of the authorization, no action was taken by the second respondent. Hence the present Writ Petition is filed.

The above facts make it clear that a show cause notice was issued to the petitioner way back on 31.10.2009 and the authorization of the petitioner was suspended by proceedings 31.10.2009. Despite the submission of representation by the petitioner on 20.01.2015, no action was taken by the second respondent for conducting an enquiry pursuant to the show cause notice dated 31.10.2009.

In the circumstances, the Writ Petition is disposed of directing the second respondent to conduct an enquiry into the charges levelled against the petitioner and pass final order thereon within a period of sixty days from the date of receipt of a copy of this order by affording due opportunity to the

petitioner.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 9th September, 2015.
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