

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT PETITION No.14213 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the admission stage with the consent of both the parties.

The petitioner is a permanent fair price shop dealer of shop No.11, Yelukur Village and Post, Maldakal Mandal, Gadwal Division, Mahabubnagar District. It appears that, based on the report of the fifth respondent, the third respondent issued a show cause notice levelling three charges and called for explanation by order dated 09.01.2015. The petitioner submitted his explanation on 29.01.2015. After receiving the explanation, the authorisation of the petitioner was suspended, by order dated 24.04.2015, with the following observations:

“Based on the report of the Tahsildar, Maldakal, while framing charges against Sri Sudhakar, a show cause notice has been issued vide reference 2nd cited calling his explanation in writing. The Fair Price shop dealer submitted his explanation in writing vide reference 3rd cited which is not found satisfactory.

Therefore, the authorization of Sri Sudhakar, Fair Price Shop dealer shop No.2 Yelkur Village of Maldakal Mandal is hereby suspended with immediate effect pending for further enquiry. The Tahsildar, Maldakal is directed to make alternate arrangements to avoid inconvenience to card holders.”

Challenging the order dated 24.04.2015, the present Writ Petition is filed.

A perusal of the order impugned in the Writ Petition shows that the third respondent passed the order stating that the explanation of the petitioner was found not satisfactory. The third respondent did not indicate any reasons how he did not find the explanation satisfactory. In the circumstances, this Court feels that exercise of power of suspension by the third respondent is not proper

and, accordingly, the impugned order dated 24.04.2015 is set aside.

The Writ Petition is allowed. However, this will not prevent the third respondent from enquiring into the allegations levelled against the petitioner and passing appropriate orders thereon after following due process of law within a period of three months from the date of receipt of a copy of the order.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of.

A. RAMALINGESWARA RAO,J

Date:03.06.2015

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