

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5156 of 2016

DATED 29TH FEBRUARY, 2016

BETWEEN

R. Parivarthana

....Petitioner

And

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

.....Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5156 of 2016

ORDER:

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

The petitioner has been appointed as Fair Price Shop Dealer for Shop No. 20 of Rajavaram Village, Gampalagudem Mandal, Krishna District. Based on the report submitted by the Special Deputy Tahsildar, Tiruvuru, the second respondent through proceedings dated 4.6.2013 suspended the authorization of the petitioner and issued show cause notice dated Nil.11.2013, to which the petitioner submitted his explanation. When no orders are passed, the petitioner filed

Writ Petition No. 20408 of 2015 and this Court by order dated 6.7.2015 directed the second respondent to complete the enquiry and pass final orders within one month. However, the respondent authorities did not complete the enquiry. Hence the petitioner is once again before this Court.

On an earlier occasion, this Court considered the similar issue by referring the decisions of this Court in *D.Sambasiva Rao Vs. Joint Collector, Guntur* {2007(6)ALT 239}, which was subsequently followed by this Court in *M.Venkata Ramaiah Vs. Joint Collector (CS), Ananthapur District* {2014 (4) ALT 542}, *Joint Collector, Kurnool vs. A. Neelima* (APLJ-1996-1-285) and opined that the continuation of order of suspension indefinitely would be only arbitrary and could not be allowed. However, what is reasonable period of suspension will vary from case to case depending upon various factors, though more often than not, a period of 90 days should ordinarily be sufficient to conclude the enquiry.

In the light of the aforesaid discussion and inasmuch as the petitioner has already submitted his explanation denying the charges levelled against him, the second respondent-R.D.O is directed to consider the explanation submitted by the petitioner and pass final order within a period of four weeks from the date of receipt of a copy of this order by duly observing the principles of natural justice and affording an opportunity of being heard to the petitioner. Pending completion of enquiry, the petitioner shall be issued with essential commodities for public distribution as the suspension made in 2013 cannot be continued indefinitely in the light of the law declared by this Court in the judgments referred to supra.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 29TH February, 2016.

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