

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14736 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The suspension pending enquiry ordered on 15.03.2016 is challenged by the petitioner on the ground that the suspension pending enquiry has been made pending finalization of 6-A proceedings before the Joint Collector.

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.9 of Machanapalli Village, Duvvur Mandal, YSR Kadapa District. The 4th respondent-Tahasildar submitted his report stating that the Vigilance and enforcement staff, Kadapa, inspected the fair price shop on 05.03.2016 and found certain irregularities. Basing on the report of the 4th respondent, the 3rd respondent-Revenue Divisional Officer issued the proceedings dated 15.03.2016 suspending the authorization of the petitioner pending enquiry and finalization of 6-A proceedings and without considering the explanation of the petitioner. Challenging the order dated 15.03.2016, the present writ petition is filed.

The learned counsel for the petitioner relies on the judgment of this Court in **P. Hanumantha Rao v. The Chief Rationing Officer, Twin Cities, Hyderabad and**

another^[1], wherein it is held that without contemplating to take any such proceedings, it is not open to the authorities to pass a blanker order allowing the suspension to remain in force until 6A proceedings are finalized.

A perusal of the impugned order dated 15.03.2015 issued by the 3rd respondent shows that the authorization granted in favour of the petitioner is suspended in exercise of power under clause 5(5) of the A.P. Public Distribution System (Control) Order 2008, (for short, 'the Control Order'), pending enquiry for a period of 90 days and finalization of the 6-A case in the court of Joint Collector, Kadapa. The fact remains that the power exercised is in relation to 5(5) of the Control Order. Inasmuch as the enquiry initiated against the petitioner is pending, which is supposed to be completed within ninety days, therefore, this Court is not inclined to go into the merits or otherwise of the subject matter.

Considering the fact that there is still time for completing the enquiry, authorization cannot be suspended, though 90 days period has been allowed to the 3rd respondent to complete the enquiry. It is settled law that enquiry shall not be postponed beyond 90 days except in exceptional circumstances since it ordinarily be sufficient to conclude the enquiry.

In that view of the matter, the 3rd respondent shall

complete the process of enquiry within a period of six (6) weeks from the date of receipt of a copy of this order and pass final orders after following due procedure.

With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

27th April 2016.

Note:

Issue C.C. in a week.

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[\[1\]](#) 1993 (3) ALT 442