

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22433 OF 2016

ORDER:

The writ petition is filed questioning the order dated 31.12.2015 passed by the 4th respondent suspending the authorisation of the petitioner's fair price shop dealership pending enquiry.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (A.P).

It is the contention of the petitioner that no enquiry was conducted and no final orders have been passed in the case of the petitioner. Learned counsel for the petitioner further submits that in terms of the circular issued by the Civil Supplies Department, suspension pending enquiry cannot be kept pending beyond 90 days and this aspect of the matter has been noticed by the Division Bench 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.

Learned Government Pleader for Civil Supplies (A.P) submits that the Revenue Divisional Officer may be directed to pass appropriate orders after considering the explanation submitted by the petitioner in a time bound manner.

Considering the submissions made and in the light of the circular issued by the Civil Supplies Department wherein except in exceptional cases suspension pending enquiry cannot be kept beyond 90 days and considering the categorical assertion of the petitioner in the writ affidavit that there is no order passed so far, the impugned proceedings are liable to be set aside.

Accordingly, the writ petition is allowed setting aside the proceedings dated 31.12.2015, issued by the 4th respondent-Tahsildar. However, the 4th respondent-Tahsildar shall restore the authorisation of the

petitioner's fair price shop dealership forthwith and allow the petitioner to distribute the essential commodities to the cardholders. Further, the order of setting aside the suspension of the authorisation of the petitioner's fair price shop dealership shall not preclude the 4th respondent-Tahsildar, to conclude the enquiry and pass appropriate orders in accordance with the law. No order as to costs.

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

CHALLA KODANDA RAM,J

Date:14.07.2016.

Note:

Issue CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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