

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.15368 OF 2016

ORDER:

The order of suspension pending enquiry dated 27.02.2016 is challenged before this Court. It is not in dispute that the petitioner had filed an appeal on 11.03.2016 before the Joint Collector questioning the suspension pending enquiry order. It is the grievance of the petitioner that the appellate authority neither passed any interim order nor any final order.

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

A perusal of the show cause notice reveals that the allegations leveled against the petitioner are trivial in nature. However, considering the fact that the petitioner had already approached the Appellate authority and filed an appeal, this Court is not inclined to adjudicate the merits and demerits of the order of suspension. As contended by the learned counsel for the petitioner, the petitioner had filed the appeal by following due procedure. In-action on the part of the second respondent in passing orders cannot be at the cost of the petitioner's rights. Second respondent ought to have passed orders either accepting or rejecting the appeal. In those circumstances, the order of suspension dated 27.02.2016 shall stand suspended till the second respondent passes orders in the appeal filed by the petitioner. Consequent to suspension of the suspension order dated 27.02.2016, the petitioner shall be entitled to discharge the functions of fair price shop dealer, till disposal of the appeal or the stay petition, whichever is earlier, by the second respondent.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

29th April, 2016.

Note : Issue C.C. by 03.05.2016.

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