

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8844 of 2016

DATED 17th MARCH, 2016

BETWEEN
Kallana Devi

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Commissioner of Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8844 of 2016

ORDER:

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Heard learned Counsel for the petitioner, learned Government Pleader for Civil Supplies and learned Government Pleader for Revenue.

The petitioner was the In-charge Fair Price Shop Dealer for Shop No. 15 of Pathachowdipalli Village, Thondangi Mandal, East Godavari District. While so, on coming to know the malpractices committed by the petitioner, the third respondent issued show cause notice dated 25.11.2015, to which the petitioner submitted her explanation on 14.12.2015. Dissatisfied with the same, the third respondent passed order dated 23.01.2016 suspending the authorization of the petitioner. Aggrieved by the same, the present Writ Petition is filed.

The learned Counsel for the petitioner contends that though the order dated 23.01.2016 passed by the third respondent is an order of suspension, but in view of the language used therein, it is nothing but an order of cancellation of authorization. It is the further contention of the learned Counsel that no period has been mentioned in the impugned order. The order is also challenged on the ground that opportunity of hearing has not been granted to the petitioner and the explanation submitted by her has not been considered in proper perspective. In support of his case, the learned Counsel for the petitioner relied on the judgment of this Court in the case of *R.Venkat Goud Vs. Revenue Divisional Officer, Kamareddy, Nizamabad District* {2011 (3) ALT 605} wherein this Court took a view that in a case where the order of suspension is made by way of a substantive penalty without mentioning time limit, the same would be a vague order. In the case on hand, it is not discernible from the impugned order whether the order is a suspension pending enquiry or a substantive penalty in terms of the Clause 5.5 of the Control Order. In the case referred hereinabove, this Court had set aside the order of suspension giving liberty to the respondents to pass appropriate orders in accordance with law. In my opinion, the decision of this Court in the above mentioned judgment squarely applies to the case on hand. Following the said decision, the impugned order is set aside giving liberty to the respondents to pass appropriate orders after giving an opportunity of hearing to the petitioner.

The Writ Petition is allowed to the extent indicated above. 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 17TH MARCH, 2016.
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