

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.13075 OF 2016

ORDER:

The case of the petitioner, as seen from the contents of the affidavit of the petitioner, is that she was appointed as a fair price shop dealer in respect of F.P. Shop No.14 of Korukollu Village, Kalidindi Mandal, Krishna District. While so, on 04.03.2016, the Vigilance and Enforcement authorities inspected the F.P. Shop of the petitioner and seized 441 kgs. of PDS rice, 7 kgs. of sugar and 25 ltrs. of kerosene and also found shortage of 496 kgs. of atta under cover of panchanama on the ground that there were variations in stock register and physical stocks. Basing on the report of the Spl.Dy.Tahsildar (PDS), Kalidindi, the 2nd respondent-Revenue Divisional Officer, Guduwada, issued proceedings dated 18.03.2016 suspending authorization of the petitioner. Aggrieved over the same, present writ petition is filed.

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

One of the principal grounds on which the petitioner challenges the impugned proceedings is that without there being any serious allegations and even without issuing any notice calling for the explanation from the petitioner, the authorization of the petitioner has been cancelled.

Having regard to the facts of the case, I am not inclined to stay the impugned proceedings issued by the 2nd respondent-Revenue Divisional Officer. However, as can be seen from the proceedings, it is clear that the 2nd respondent passed an order suspending authorization of the petitioner pending enquiry without giving any

opportunity to the petitioner to submit his explanation. In that view of the matter, petitioner shall submit his explanation in reply to the impugned proceedings within a period of two weeks from the date of receipt of a copy of this order. Thereupon, the 2nd respondent shall conduct an enquiry by considering the explanation of the petitioner and pass appropriate orders in accordance with the law within a period of six weeks from the date of filing of explanation by the petitioner. In the event, the enquiry is not completed within six weeks, the suspension imposed on the petitioner shall deemed to have been revoked automatically till passing of orders by the 2nd respondent after enquiry. Further, it is made clear that the 2nd respondent shall complete the enquiry after giving an opportunity of hearing to the petitioner.

With the above observations, the writ petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

Challa Kodanda Ram, J

21st April, 2016.

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