

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

FRIDAY THE TWENTYSIXTH DAY OF FEBRAURY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 6253 OF 2016

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Between:

S.Nagesh Naik

... Petitioner

Vs.

The State of Andhra Pradesh
Rep.by its Prl. Secretary,
Civil Supplies Department,
Secretariat, Hyderabad & Ors.

... Respondents

Counsel for the Petitioner:

Sri I. Venkata Prasad

Counsel for the Respondents:

GP for Civil Supplies

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 6253 OF 2016

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ORDER:

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Heard learned counsel for petitioner and the Assistant
Government Pleader for respondents.

2. The petitioner, a Fair Price Shop Dealer [Shop No.50]
Varigireddypallii village filed the present writ petition challenging
the Proceedings Rc.No. 7269/2015/B, dated 09/2/2016 as illegal,
arbitrary and unconstitutional.

3. The relevant portion of the impugned proceedings reads
thus:

*In accordance with the Clause 5 [5] of A.P. State
Public Distribution System [Control] Orders, 2008, I hereby
suspend the dealership and the authorization held by S.
Nagesh Naik, F.P.Shop dealer No.50, Varigireddipalli village,
Kadri Mandal for having committed the above irregularities
and violation of conditions under A.P.P.D.S. [Control] Order
2008. The suspended dealer may submit his explanation
within 15 days as to why further action should not be taken
against him for the above irregularities. If fails so further
action will be taken on the material available in this office.*

4. Learned counsel for the petitioner with vehemence
contends that ordering suspension of Fair Price Shop authorization
in the facts and circumstances of this case is unwarranted and
from the explanation submitted by the petitioner prima facie it can

be appreciated that the charges cannot be established against the petitioner and on the other hand ordering suspension of Fair Price Shop authorization is resulting in deprivation of livelihood and also hardship. He prays grant of suspending the impugned order.

5. On the other hand, Assistant Government Pleader submits that the reasons for not placing the petitioner under suspension while issuing show cause notice are to appreciate the explanation petitioner can offer and nothing more. The competent authority on being satisfied that permitting the petitioner to distribute the essential commodities when the charges levelled against the petitioner are serious and does not go well with public distribution system. Alternatively on instructions from the Revenue Divisional Officer, Kadri/third respondent he submits that enquiry pending in Rc.No.7269/2015/B will be conducted and concluded within four weeks from the date of receipt of a copy of this order.

6. I have perused the material available on record and taken note of the submissions of the learned counsel appearing for the parties.

7. The enquiry is still pending before the third respondent. The explanation is submitted, instead of considering the main

prayer, I am satisfied that the writ petition can be disposed of by this order:

i) the third respondent as stated by the learned Assistant Government Pleader is directed to conduct and complete the enquiry within four weeks from the date of receipt of a copy of this order. If the enquiry cannot and could not be completed within the time granted by this court, the suspension order against the petitioner is directed to be revoked.

8. The writ petition is disposed of as indicated above. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

26/02/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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