

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.13337 OF 2016

ORDER:

The case of the petitioner is that he was appointed as Fair Price shop dealer on permanent basis in respect of F.P. Shop No.55 of Raketla Village on 17.03.2015. While so, on 25.06.2015 the 4th respondent issued a notice to the petitioner suspending his dealership on the ground that he was still continuing as Sarpanch. In response to the same, petitioner submitted his explanation on 06.07.2015. Pursuant to the same, the 4th respondent issued impugned proceedings dated 15.09.2015 suspending the fair price shop 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.

The specific averment of the petitioner is that he tendered his resignation as Sarpanch on 09.02.2015 and the same was accepted in General Body Meeting of Gram Panchayat, Raketla on the same day. The impugned order though makes a reference to the date of acceptance of resignation as 10.06.2015, the said order does not advert to the specific assertion of the petitioner that he resigned to Sarpanch post on 09.02.2015 and its acceptance in the General Body Meeting of Gram Panchayat on the same day itself. Inasmuch as suspending petitioner's Fair Price shop authorization on the ground that the petitioner was appointed as fair price shop dealer on 17.03.2015 and the resignation was accepted on 09.06.2015, the authorities presumed that the petitioner was in-eligible to be appointed as fair price shop dealer. While coming to this conclusion, the

4th respondent did not taken into consideration the specific assertion of the petitioner that the resignation was tendered by him on 09.02.2015 itself. In that view of the matter, pending passing detailed orders after considering the explanation submitted by the petitioner and considering the record, suspension *prima facie* cannot be sustained. Therefore, the impugned order dated 15.09.2015 is set aside to the extent of suspension and the petitioner's authorization pending enquiry. Further considering the facts of the case, the petitioner shall be allowed to run the fair price shop No.55 of Raketla Village pending passing of final orders pursuant to the enquiry initiated.

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

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

21st April, 2016.

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