

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 41626 of 2015

DATED 18TH FEBRUARY, 2016

BETWEEN

Bojja Gangi Reddy

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary, Consumer Affairs,
Food and Civil Supplies (CS.I) Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 41626 of 2015

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as Fair Price Shop Dealer for shop No. 22 of Batlopalle, H/o. Mahadevapalle, Chakrayapet Mandal, YSR Kadapa District on permanent basis. While so, the third respondent inspected the fair price shop of the petitioner and found certain violations and variations in the stocks. On the report submitted by the third respondent on 10.07.2015, the second respondent issued show cause notice dated 13.07.2015, to which, the petitioner submitted his explanation. Dissatisfied

with the same, the second respondent through proceedings dated 26.7.2015 suspended the authorization of the petitioner pending enquiry. Aggrieved by the same, the present Writ Petition is filed.

A perusal of the impugned order reveals that the petitioner is not properly distributing the essential commodities to the card holders as per their entitlement; that he is not maintaining the stock board and price list in the shop premises and that he is distributing the kerosene oil at higher rate. Based on the same, the second respondent issued show cause notice and after considering the explanation submitted by the petitioner, the impugned order came to be passed suspending the authorization of the petitioner pending enquiry. In view thereof, this Court is not inclined to go in to the merits or otherwise of the charges levelled against the petitioner inasmuch as the impugned order is only a suspension pending enquiry and the petitioner has sufficient and efficacious opportunity to put forth his case in the enquiry to be conducted by the second respondent. In that view of the matter, the Writ Petition is disposed of directing the petitioner to submit his detailed explanation, if not already submitted, within a period of two weeks from the date of receipt of a copy of this order and within four weeks thereafter, the second respondent is directed to complete the enquiry and pass appropriate final orders by duly complying with the principles of natural justice and providing opportunity of being heard to the petitioner. It is made clear that if the petitioner does not cooperate with the enquiry, the second respondent is at liberty to pass ex parte orders based on the material available on record. It is further made

clear that if the final orders are not passed within the time frame as directed above, the suspension orders shall stand revoked without reference to the further orders from this Court.

Subject to the above, the Writ Petition is disposed of. 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 18TH February, 2016.

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