

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35602 of 2016

ORDER:

Heard Mr. K. K. Waghray for petitioner and learned Government Pleader for Agriculture and Co-operation for respondents.

2. I have taken note of submissions of Mr. K.K. Waghray for petitioner and also the submissions made by Government Pleader from the record.

3. Learned Government Pleader admits to the extent that proceedings dated 13.10.2016 does not contain reasons and the Department has enough reasons and material in support of proceedings challenged in the writ petition. The complaint of writ petitioner is that undisclosed and uninformed material cannot and could not be relied upon by third respondent to sustain proceedings dated 13.10.2016. The jurisdiction either to sustain or cancel the proceedings is not raised in the instant writ petition.

Having regard to the admission of Government Pleader that proceedings dated 13.10.2016 is a non-speaking order, I am satisfied that without expressing any view on the merits, the writ petition can be disposed of by this order.

- a) Proceedings dated 13.10.2016 shall be treated as suspension pending enquiry into the charges noticed in the show cause notice dated 05.10.2016.
- b) The second respondent is directed to send by e-mail to petitioner the entire material on which the third respondent is relying upon by today evening.

- c) The petitioner is given three days time to submit further explanation, if so advised.
- d) The second respondent conducts enquiry into the show cause notice on 07.11.2016 and passes appropriate orders positively, after taking note of all legal and factual objections, on or before 08.11.2016.
- e) The petitioner is given liberty to make specific request for honouring his commercial commitments of sale of seeds outside the State and the second respondent is directed to consider and pass appropriate orders on this request as well.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

November 3, 2016
Note: Furnish C.C. today.
(B/ o) DSK



S.V.BHATT, J