

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21420 of 2016

DATED 14TH JULY, 2016

BETWEEN

Pamulapati (Akkiseti) Meera Madhavi Latha

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department, Secretariat,
Hyderabad and ors,.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21420 of 2016

ORDER:

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This Writ Petition is filed seeking a direction to the respondents to restore supply of essential commodities to the petitioner's fair price shop No.30, Tadepalligudem, West Godavari District without there being any suspension of authorization on the ground that 6-A proceedings initiated against her are pending before the Joint Collector.

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

Proceedings dated 11.06.2016 were issued to the petitioner alleging shortage of rice, excess of kerosene and making further allegation that the petitioner is not maintaining true and correct records thereby indulging in clandestine business by diverting the essential commodities to the black market.

Promptly the petitioner submitted her explanation on 18.06.2016. The matter is pending consideration and no further action was taken thereafter. The petitioner has not been issued with the date of enquiry. When no further action has been taken, the petitioner filed the present Writ Petition on 30.06.2016 seeking the relief as stated supra. The matter came up for admission on 04.07.2016 and at the request of learned Government Pleader to get instructions in the matter, the matter was directed to be listed on 7.7.2016. Today, when the matter is taken up for consideration, the learned Government Pleader placed before this Court the suspension order said to have been passed by the second respondent on 3.7.2016. This Court has reason to believe that the suspension order which is now produced before this Court is made after receipt of the information about filing of the present Writ Petition. One of the aspects which may be noticed is that on account of introduction of e-office system in the State of Andhra Pradesh, time and date of digital signature put on a particular proceedings would be recorded. The same is evident from the signature put in by the second respondent on the proceedings/show cause notice dated 11.6.2106 whereas in the suspension order which is now produced before this Court is dated 3.7.2016, there is no such

digital signature . Apart from that the fact remains that the said order was issued after filing the Writ petition. Thus it is clear that the second respondent has not acted bonafidely. However, in the facts and circumstances of the case and in the interest of justice, the Writ Petition is disposed of directing the second respondent to complete the enquiry initiated against the petitioner pursuant to show cause notice /proceedings dated 11.6.2016 and after considering the explanation submitted by the petitioner, pass appropriate final orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if the enquiry is not completed within the time stipulated hereinabove, the suspension order dated 3.7.2016 passed by the second respondent shall stand suspended till the completion of enquiry and passing of final order thereon.

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 14th JULY, 2016.
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