

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22861 of 2016

ORDER:

Suspension pending enquiry order dated 18.01.2016 passed by the 3rd respondent-Revenue Divisional Officer, Peddapuram, is challenged before this Court.

As can be seen from the averments of the affidavit filed in support of the writ petition, petitioner is the Fair Price Shop dealer in respect of shop No.10 of Velamakothuru Village, Tuni Mandal, East Godavari District. On 08.12.2015, the Mandal Supply Officer, Tuni, inspected the shop of the petitioner and found certain variations in stocks i.e.(1) qtls. 0.54 ½ kgs rice shortage (2) Qtls.0.19 ½ kgs sugar shortage and (3) 317 ltrs. of kerosene oil excess. To that effect, a report was submitted to the

3rd respondent. Basing on said report, the 3rd respondent issued the impugned order suspending authorization of the petitioner pending enquiry. Hence, this writ petition.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner submits that the suspension order is made pending enquiry under 6-A proceedings, which is impermissible.

Though the variations in respect of PDS rice and sugar are minor in nature, there is a huge variation of 317 ltrs. in respect of kerosene. The explanation sought to be given by the petitioner is that on the previous day, his sister passed away, as such, he could not be present on the date of inspection to explain the huge variation in respect of kerosene, which is yet to be distributed. This submission of the petitioner can be looked into only during enquiry where the petitioner

will be having adequate opportunity to put forth his case. Further, as can be seen from the material placed by the petitioner, another notice has been issued calling for explanation as to why petitioner's authorization shall not be cancelled for the alleged irregularities. In that view of the matter, merely because a wrong provision has been mentioned in the suspension pending enquiry order, that itself does not vitiate the orders as long as the 3rd respondent has power and jurisdiction to make an order of suspension.

Hence, the writ petition is disposed of directing the 3rd respondent to complete the enquiry and pass appropriate orders after hearing the petitioner within a period of four weeks from the date of receipt of a copy of this order. If enquiry is not completed and no orders are passed within four weeks, the authorization of the petitioner stands restored.

Miscellaneous Petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

15th June, 2016

Note : Issue C.C. in four days.

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