THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.22666 of 2016

ORDER:

1 This Writ Petition is filed under Article 226 of the Constitution of India seeking writ of mandamus declaring the action of the second respondent in suspending the authorization of the petitioner as Fair Price Shop Dealer is in violation of principles of natural justice.

2 Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies.

3 A perusal of the record reveals that the petitioner was appointed as fair price shop dealer of Ubicharla village, Gooty Mandal, Ananthapur District. It is the case of the petitioner that he has been distributing the essential commodities to the cardholders without any complaint whatsoever. On 07.01.2016 the Vigilance and Enforcement officials and the local revenue officials inspected the fair price shop No.33 of Ubicharla village, being run by the petitioner, and found variation of the stock. On 18.01.2016 the second respondent issued a show cause notice calling for the explanation of the petitioner for which the petitioner submitted his explanation on 20.06.2016. Being not satisfied with the explanation of the petitioner, the second respondent suspended the authorisation of the petitioner on 24.06.2016.

4 At the time of arguments, both counsel submitted that disciplinary proceedings are pending before the second respondent. Whether the petitioner has committed any irregularity or not will come to light during the course of enquiry only. If this Court expresses any opinion, the same may cause prejudice to one of the parties to the proceedings. Hence this Court is not inclined to express any opinion.

5 Having regard to the facts and circumstances of the case and also the submissions made by the counsel for both the parties, the second respondent is hereby directed to dispose of the disciplinary

enquiry pending against the petitioner as expeditiously as possible, preferably, within a period of one month from date of receipt of a copy of the order, after affording a reasonable opportunity to the petitioner to put forth his defence.

6 With the above direction, this writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 02.08.2016
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