

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.42305 OF 2015

ORDER:

The writ petition is filed challenging the order dated 19.12.2015, passed by the 2nd respondent-R.D.O cancelling the petitioner's authorisation of fair price shop No.39 of A.L.Puram Village, Gudipala Mandal, Chittoor District.

As the point involved in the matter is short, at the request of the learned counsel for the writ petitioner and the Government Pleader, the main writ petition itself is taken up for hearing and disposed of.

It is the case of the petitioner that the 3rd respondent-Tahsildar had issued a show cause notice to the petitioner on 31.03.2015 levelling certain charges against him and consequently the authorisation of the petitioner was suspended on 10.09.2014. Thereafter, the petitioner preferred an appeal before the 2nd respondent and the 2nd respondent granted the stay of operation of the suspension order and directed the 3rd respondent to complete the enquiry within a period of four weeks. Thereafter the petitioner submitted his explanation to the show cause notice dated 31.3.2015 denying the charges levelled against him. The 2nd respondent had cancelled the authorisation of the petitioner on 19.12.2015 even without conducting the enquiry as directed by this Court in W.P.No.31072 of 2015 dated 18.10.2015. Hence, the present writ petition.

As can be seen from the material available on record, there is a total non-compliance of the order dated 18.10.2015 of this Court passed in W.P.No.31072 of 2015. Hence, the impugned order deserves to be set aside.

Accordingly, the writ petition is allowed setting aside the order dated 19.12.2015, passed by the 2nd respondent-R.D.O by giving liberty to the 2nd respondent-R.D.O to pass the orders afresh after supplying the copy of the report of the Tashildar, if any, to the petitioner and putting him on notice of the exact charge to which he is required to answer. Thereafter, if any explanation is submitted by the petitioner, the same shall be considered along with the explanation already submitted and after giving him the opportunity of hearing, final orders shall be passed, within a period of four

weeks from today. Further, in view of the revival of the authorisation of the petitioner, the petitioner is entitled to distribute the essential commodities in terms of the license granted to him. No order as to costs.

Miscellaneous petitions if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

Dated:18.02.2016

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