

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13362 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as Dealer of Fair Price Shop No.6 of Bommarajupalli Village, Ipur Mandal, Guntur District. While so, basing on a report of the Assistant Supply Officer, Narasaraopet, dated 08.12.2015, that the petitioner committed certain irregularities in distribution of essential commodities to cardholders, the 3rd respondent issued proceedings Rc.No.1756/2015-B, dated 22.12.2015, framing three charges against the petitioner and calling upon her to submit explanation to the charges levelled against her. On the same day, the 3rd respondent suspended her authorization pending enquiry. Thereafter i.e., on 02.01.2016 the petitioner submitted explanation and sought for restoration of her authorization. As no orders are passed by the 3rd respondent till date, the present writ petition is filed.

On an earlier occasion, this Court considered the similar issue by referring the decisions of this Court in ***D.Sambasiva Rao Vs. Joint Collector, Guntur {2007(6)ALT 239}***, which was subsequently followed by this Court in ***M.Venkata Ramaiah Vs. Joint Collector (CS), Ananthapur District {2014 (4) ALT 542}***, ***Joint Collector, Kurnool vs. A. Neelima (APLJ-1996-1-285)*** and opined that the continuation of order of suspension indefinitely would be only arbitrary and could not be allowed. However, what is reasonable period of suspension will vary from case to case depending upon various factors, though more often than not a period of 90 days should ordinarily be sufficient to conclude the enquiry.

In the light of the aforesaid discussion and inasmuch as the petitioner has already submitted her explanation denying the charges levelled against her, the 3rd respondent is directed to consider the explanation submitted by her and pass final orders within a period of four weeks from the date of receipt of a copy of this order by duly observing the principles of natural justice and affording an opportunity of being heard to the petitioner. If for any reason the enquiry is

not completed within the stipulated time, the order of the 3rd respondent dated 22.12.2015 cancelling the authorization of the petitioner shall stand suspended until passing of orders pursuant to the enquiry.

Subject to the above, the Writ Petition is disposed of at the admission stage. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

**CHALLA KODANDA RAM,
J**

21st April, 2016
cbs

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