

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21768 OF 2016

ORDER:

The order under challenge is suspension pending enquiry dated 15.06.2016.

It may be noted that the petitioner has already availed the remedy of appeal before the second respondent. However, one interesting aspect the petitioner raised in the writ petition is that the show cause notice issued on 15.06.2016 calling for explanation for the alleged irregularities why the petitioner's authorization of fair price shop shall not be cancelled. On the same day, i.e. 15.06.2016 an order of suspension of the petitioner's authorization of fair price shop has been issued which does not indicate whether it is a suspension order or cancellation order.

Learned counsel for the petitioner presumes that the same is cancellation order and alleges that there was no enquiry conducted and no time was given to the petitioner to file explanation. Further, in the show cause notice dated 15.06.2016 it is categorically mentioned that (7) days time is granted to the petitioner to submit explanation and even before such explanation is submitted, the order of cancellation has been made.

Heard learned counsel for the petitioner and learned Government Pleader.

In peculiar facts of the present case, in the order dated 15.06.2016 while directing the Tahsildar, Alur, to make alternative arrangements for uninterrupted distribution of essential commodities to the card holders it is not indicated as to whether that order is made suspending the authorization pending enquiry or it is an order of cancellation.

Learned Government Pleader points out that in the subject on top of the impugned order the word 'suspended' has been used, though in the body of the order there is no such indication. Hence, I am inclined to accept the argument of the learned Government Pleader that though in the body of the order the same has not been indicated, the fact that a separate show cause notice is issued proposing to cancel the authorization of the petitioner. In that view of the matter, the present impugned order cannot be considered other than that of the suspension pending enquiry order.

Learned counsel for the petitioner seeks liberty to withdraw the appeal

filed before the Joint Collector. Petitioner is given the liberty as prayed for.

In view of the ambiguity created by the respondents, the interest of justice would be served, if a direction is given to the respondents to complete the enquiry and pass final orders by duly observing the principles of natural justice and affording an opportunity of being heard to the petitioner. The petitioner shall file his explanation within two weeks from the date of receipt of a copy of this order. The respondents shall complete the enquiry and pass final orders after considering the explanation submitted by the petitioner with a period of four weeks from the date of filing of explanation by the petitioner.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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

CHALLA KODANDA RAM, J.

Date: 05.07.2016.
kvrm

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.21768 OF 2016

-

Date: 05.07.2016

kvrn