

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9464 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

2. Challenging the suspension order passed by the Revenue Divisional Officer, third respondent, dated 14.03.2016, petitioner has approached this Court by this writ petition.

3. Drawing attention to the impugned order, particularly, with respect to the specific explanation submitted by the petitioner by way of an allegation that the web site entries have been manipulated especially with respect to the closing balance and the opening balances in relation to month of January, learned counsel for the petitioner submits that the third respondent had conveniently omitted to deal with the same. Learned counsel also submits that the entire exercise of show cause notice and putting the petitioner on suspension is a

mala fide exercise for extraneous considerations particularly on account of the political rivalry in the District. Learned counsel further submits that petitioner was constrained to approach this Court several times by filing W.P.Nos.24665 of 2014 and 13981 of 2015 wherein this Court had intervened. By passing the impugned order, once again the respondents have falsely made allegations against the petitioner. Learned counsel further submits that the suspension pending enquiry order itself is an arbitrary exercise of power and petitioner has been running the fair price shop for the past 22 years without there being any complaint whatsoever from any form.

4. On the other hand, learned Government Pleader, by

opposing the writ petition, submits that the impugned order is only a suspension pending enquiry, against which the petitioner has liberty to avail alternative remedy of appeal if he so chooses. It is also brought to the notice of this Court that the petitioner has been continuously interfering with the order of suspension pending enquiry.

Learned Government Pleader would submit that a direction may be issued to the third respondent to complete the enquiry in a time bound manner and if the enquiry is not completed and orders are not passed, as directed, the Court may direct the third respondent to restore the licence in favour of the petitioner.

5. Having gone through the record and having considered the submissions, this Court is of the opinion that the mere fact that the petitioner on earlier occasions had succeeded before this Court by itself cannot be a ground to set aside the order impugned as admittedly the suspension order dated 14.03.2016 is in relation to the verification of the physical stocks for the month of February, 2016, whereas on earlier occasions, they relate to the transactions for the years 2014 and 2015. Though there is an allegation of ambiguity with respect to the opening balance and the specific allegation of the petitioner that the entries in the website have been tampered well, the same will have to be gone into by the third respondent at the time of conducting enquiry. As a matter of fact, it is for the third respondent to meet the said allegation as admittedly the maintenance of the website is within the control of the respondent-authorities and there is hardly any way, the petitioner would have any access to the same.

6. In that view of the matter, though there is a possibility for this Court to examine the same, inasmuch as there is an allegation of verification of the factual duty, which is required to be done, and

also considering the fact that there are other allegations, which are required to be enquired into by the third respondent, the interest of justice would be served if a direction is issued to the third respondent to complete the enquiry in a time bound manner and pass appropriate orders after specifically dealing with the contentions raised by the petitioner point by point.

7. The Writ Petition is, accordingly, disposed of directing the third respondent to complete the enquiry within four weeks from the date of this order after giving opportunity of hearing to the petitioner and pass appropriate orders in accordance with law. Petitioner is at liberty to file any additional explanation or information, if he so chooses. It is, however, made clear that in the event, the enquiry is not completed within the time stipulated as directed by this Court, the suspension order stands set aside.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

**JUSTICE CHALLA
KODANDA RAM**

March 22, 2016

Note:- Furnish copy by three days.

{B/o}
LMV