

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.1653 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, assailing the show cause notice-cum-suspension order passed by the Revenue Divisional Officer, Ananthapuramu vide Rc.No.D1CS/2350/2016, dated 04-11-2016.

Heard, Sri K. Srinivas, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

Basing on the report of the Tahsildar, Ananthapuramu under Section 6-A of Essential Commodities Act, 1955 dated 02-11-2016 the Revenue Divisional Officer pressed into service the provisions of A.P. State Public Distribution System (Control) Order, 2008 and issued show cause notice vide proceedings Rc.No.D1CS/2350/2016, dated 04-11-2016. In response to the same, the petitioner herein submitted an explanation on 11-11-2016.

It is contended by learned counsel for the petitioner that even though the variations are within permissible limits the Revenue Divisional Officer – 2nd respondent herein passed the order of suspension. According to the learned counsel for the petitioner, in the facts and circumstances of the case the order of suspension is un-warranted.

On the contrary, it is submitted by learned Government Pleader for Civil Supplies that in view of the existence of major variations, the Revenue Divisional Officer is perfectly justified in ordering suspension of authorization of the petitioner and no interference of this Court is warranted under Article 226 of the Constitution of India. It is further submitted that the petitioner herein will have to face enquiry before the Revenue Divisional Officer.

A reading of the proceedings under challenge, discloses *prima facie* that the variations are not on higher side. Since the petitioner has already submitted her explanation on 11-11-2016 it is for the Revenue Divisional Officer – 2nd respondent herein to pass final orders after giving opportunity to the petitioner. The said exercise shall be done by the Revenue Divisional Officer – 2nd respondent herein within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, the impugned order dated 04-11-2016 is suspended.

With the above directions, the writ petition is disposed of. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

January 18, 2017

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