

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10647 of 2017

ORDER:

Suspension, pending enquiry, made on 10.06.2016 is challenged before this Court on the ground that no opportunity, as mandated under proviso to Section 31(1) of the A.P. Excise Act, 1968 (for short 'the Act'), is given to the petitioner.

Learned Government Pleader for Prohibition and Excise submits that, pending enquiry, final orders came to be passed by respondent No.3, which were challenged before respondent No.2 (Deputy Commissioner of Prohibition and Excise, Guntur) who, by his order dated 18.02.2017, set aside the order of respondent No.3, and remanded for *de novo* enquiry.

The only point urged by the petitioner before this Court is that suspension, pending enquiry, requires an opportunity of hearing in terms of proviso to Section 31(1) of the Act.

Reliance is placed by the petitioner on the Division Bench judgment of this Court in **K.Srinivasa Reddy v. Superintendent, Prohibition and Excise**¹, wherein this Court made it clear that no opportunity of hearing is required to be provided suspension pending enquiry. A careful reading of the said judgment discloses that what

¹ 2002 (1) ALT 108

was challenged before this Court was a final order, and not an interim order. However, considering that final order was passed without providing an opportunity of hearing, the Division Bench, having treated suspension of licence as a provisional order, directed to issue notice, to which explanation shall be submitted, and respondent – authorities, thereupon, shall pass orders. The said judgment has no application to the facts of the present case. Further, the judgment of the learned Single Judge of this Court, in **K.Ganga Reddy v. Principal Secretary, Prohibition and Excise Department, Hyderabad**, also has no application to the facts of the present case. In the circumstances, suspension, pending enquiry, does not require interference.

The Writ Petition is, accordingly, dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 27.03.2017
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