

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.18762 of 2017

ORDER

The petitioner was appointed as a dealer of fair price shop No.4, Madhapur Village, Makloor Mandal, Nizamabad District, in the year 1993. While so, the 3rd respondent issued a show cause notice to the petitioner on 27.10.2016, alleging contravention of Clause 17 (c) of the Telangana State Public Distribution System (Control) Order, 2016, (for short 'the Control Order'), asking to appear before him on 31.10.2016. Though the petitioner attended for personal hearing on that date, he did not submit any written explanation. On the next day i.e., on 01.11.2016, an order of suspension was passed by the 3rd respondent indicating violation of other clauses of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 also. Against the said order, the petitioner filed W.P.No.530 of 2017 and the same was disposed of on 5.1.2017 giving liberty to him to file an appeal. Accordingly, the petitioner preferred an appeal before the 2nd respondent and when the appeal was dismissed confirming the orders of the 3rd respondent dated 1.11.2016, the present writ petition is filed.

The initial show cause notice was issued alleging contravention of Clause 17 (c) of the Control Order, 2016. Pending enquiry, the petitioner was placed under suspension alleging some other irregularities. Though the petitioner attended the enquiry, he could not submit any written explanation. Thus, the origin for suspension of the petitioner is contravention of Clause 17 (c) of the Control Order, 2016. Unless the proceedings initiated against the petitioner for violation of authorization are concluded, the validity or otherwise of the suspension order, cannot be adjudicated.

In the circumstances, this Writ Petition is disposed of giving liberty to the 3rd respondent to issue a fresh show cause notice indicating all the violations alleged to have been committed by the petitioner within a period of 15 days from the date of receipt of a copy of this order. On receipt of such notice, the petitioner is given liberty to submit an explanation within 15 days thereafter. After receipt of the explanation from the petitioner, the 3rd respondent shall pass an order in accordance with law, within a period of 30 days thereafter. If the 3rd respondent does not issue a fresh notice, it is open to the petitioner to submit explanation to the earlier show cause notice

dated 27.10.2016 immediately after expiry of 15 days period stipulated herein and the 3rd respondent shall pass appropriate order thereon in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

31st July, 2017
rkk

