

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.39393 OF 2017

O R D E R

Aggrieved by the proceedings of the 2nd respondent – Revenue Divisional Officer in Rc. C / 317/2015 dated 5.8.2017, in keeping the authorization of the fair price shop of the petitioner under provisional suspension under Clause 5(5) of Andhra Pradesh State Public Distribution System (Control) Order, 2008, (for short 'Control Orders of 2008'), pending finalization of detailed enquiry, the present writ petition has been filed.

The learned counsel for the petitioner submits that initially the petitioner was issued with a show-cause notice dated 10.07.2017 under Clause 5(5) of the Control Orders of 2008 and the petitioner submitted his explanation on 21.08.2017, but no orders have been passed. He further submits that though three months period had lapsed from the date of issuing the show cause notice, the authorization of the fair price shop of the petitioner is still being continued under suspension.

The learned Assistant Government Pleader for Civil Supplies produced copy of written instructions, reiterating the charges in the show cause notice.

The charges leveled against the petitioner, appears to be vague. The 2nd respondent issued a show cause notice dated 10.07.2017 under Clause 5(5) of the Control Orders of 2008 and the petitioner submitted his detailed explanation on 21.08.2017. In these circumstances, the 2nd respondent ought to have conducted enquiry and passed final orders. Instead of passing final orders, a second show cause notice dated 5.8.2017 was issued with the self same charges and provisionally suspending the authorization of the fair price shop of the petitioner. The period of ninety days from the date of issuing show cause notice had already elapsed and no final orders are passed. In view of these circumstances, the impugned show cause notice to the extent of suspending the

authorization of the fair price shop of the petitioner, is set aside, as this court has taken a view that suspension pending enquiry, cannot be continued beyond a period of ninety days.

Since the petitioner has already submitted explanation on 21.08.2017, it is open for the 2nd respondent to consider the said explanation and pass appropriate orders in accordance with law.

The writ petition is accordingly allowed to the extent indicated above. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:27—11—2017

Note:

C.C. in two days.

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