

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39059 OF 2017

ORDER:

This writ petition is filed challenging the proceedings in Rc.No.172/2016, dated 01-03-2016, wherein the petitioner's authorization is suspended basing on the criminal case registered against the petitioner, which is in violation of clause annexure to G.O.Ms.No.4, dated 19-02-2011.

Learned counsel for the petitioner submits that a criminal case is registered against the petitioner basing on the false complaint made by Sarpanch of the village, as the petitioner did not oblige to the dictates of Sarpanch and said criminal case is nothing to do with the supply of essential commodities and there is no complaint against the petitioner regarding supply of stocks to the cardholders and criminal case registered against the petitioner is motivated one on vague allegations. The respondent-authorities should have reviewed the order of suspension keeping the above facts and circumstances, but without reviewing the impugned order continued the petitioner under suspension for more than one year. Aggrieved by the same, the present writ petition is filed.

On the other hand, learned Assistant Government Pleader for Civil Supplies submits that since criminal case is registered against the petitioner, under clause-5 of annexure to G.O.Ms.No.4, dated 19-02-2011 the respondent-authorities suspended the authorization of the petitioner pending enquiry.

It is to be seen that suspension is based on the registration of criminal case. In respect of criminal case, respondents are empowered to conduct enquiry, if it relates to supply of stocks to the cardholders. But in the present case, a reading of the complaint in criminal case goes to show that it is not regarding supply of stocks. In view of the same, the respondent-authorities would have reviewed the order of suspension. The order of suspension pending enquiry cannot be continued for an indefinite period.

Having regard to the above, the 3rd respondent is directed to consider the above aspects and review the order of suspension and take decision within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

21-11-2017

Nvl



