

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34783 OF 2017

ORDER:

The petitioner was appointed as a fair price shop dealer in the year 1990. While so, on 06.05.2016, the shop of the petitioner was inspected and certain variations were noticed. The stock was seized and the proceedings under Section 6-A of the Essential Commodities Act were initiated. The authorisation of the petitioner was suspended on 05.08.2016 and a show cause notice was issued on the same day. The allegations levelled against the petitioner are as follows.

Charge No.I: The F.P.Shop Dealer No.29 diverted Essential Commodities of 32.08 Qtls of PDS Rice, 100 Kgs of Sugar and 58 Ltrs of Kerosene into black market without actually distributing the same to the Card Holders and thus he has violated clause 17(A) and Clause 22(iii) of the A.P.State Public Distribution (Control) Order, 2008.

Charge No.II: The F.P.Shop Dealer has diverted subsidized essential commodities into black market, he is liable to an amount of Rs.5,55,153/-.

The petitioner states that the explanation was submitted to the show cause notice and in spite of the same, the proceedings were not completed for more than one year. In those circumstances, he filed the present writ petition.

When the matter was taken up for consideration on earlier occasion, the learned Government Pleader was directed to get instructions. Now on the basis of written instructions submitted by the Revenue Divisional Officer, Vijayawada, learned Government Pleader submits that after service of show cause notice, the petitioner did not submit written explanation nor attended before the Sub Collector, Vijayawada to represent his case personally. The matter would be heard within short time by giving due opportunity to the petitioner before passing final orders.

The delay in disposal of the case of the petitioner is strongly deprecated by this Court. If the petitioner did not cooperate for the disposal of the case, nothing prevented the Authorities from passing an order. Only when the petitioner filed the present case, it is stated that the case of the petitioner would be disposed of within short time by giving due opportunity to the petitioner. No action is obviously taken for more than one year.

In the circumstances, the writ petition is disposed of directing the second respondent to complete the enquiry within a period of two months after giving due opportunity to the petitioner and if the petitioner has not submitted any explanation, it is open to the petitioner to submit explanation within a period of one week from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in the writ petition shall stand closed. There shall be no order as to costs.

27.10.2017
pln

A.RAMALINGESWARA RAO, J