

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.46259 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“To issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of 4th and 5th respondents not allowing the petitioner to run the Fair Price Shop No.38 situated at Chilakaluripet Town and Mandal Guntur District and issuing charge memo dated 23-06-2016 is illegal, arbitrary and unjust and violation of the Article 21 of Constitution of India and consequently direct the respondent to allow the petitioner to run the Fair Price Shop”.

2. According to the petitioner, he was appointed as Fair Price Shop Dealer of Shop bearing No.38, Chilakaluripet Town and Mandal, Guntur district in the year 2006. The Revenue Divisional Officer, Narasaraopet-4th respondent herein issued a charge memo bearing Rc.No.4285/2016-B dated 23.6.2016, framing two charges against the petitioner herein. In response to the said charge memo and the charges contained therein, the petitioner herein submitted an explanation on 11.7.2016. The grievance of the petitioner in the present writ petition is that despite submission of explanation on 11.7.2016, no final orders have been passed by the 4th respondent and on the other hand, the authorities are not allowing the petitioner to run the fair price shop.

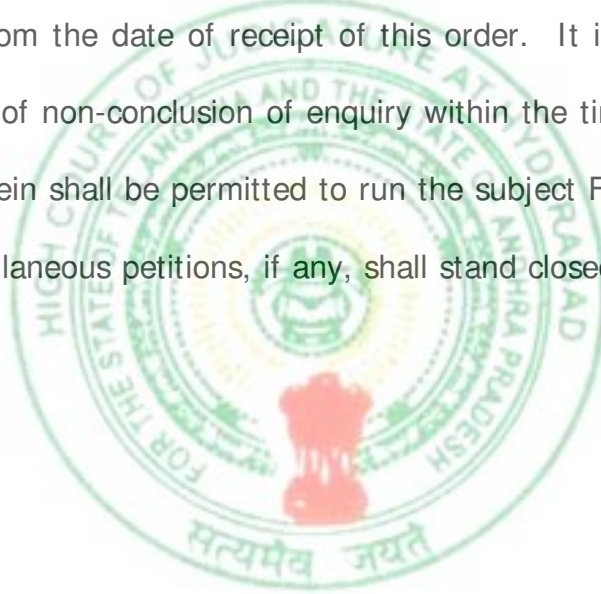
3. Having issued the charge memo on 23.6.2016 and having received the explanation as long back as on 11.7.2016, this Court does not find any justification on the part of the 4th respondent in keeping the matter pending. It is submitted by the learned counsel for the petitioner that because of the pendency of enquiry and as the respondent authorities are not permitting to run the fair prices shop, the petitioner is put to irreparable loss and hardship.

4. Having regard to the nature of controversy and taking into consideration the submission of the learned counsel for the petitioner, this Court is of the considered opinion that ends of justice would be served if the 4th respondent is directed to finalise the enquiry pursuant to the charge memo dated 23.6.2016 by fixing some time frame.

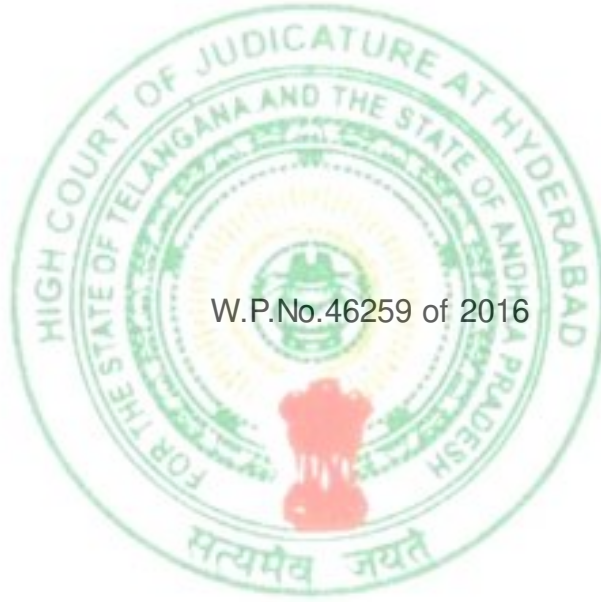
5. For the aforesaid reasons, the writ petition is disposed of, directing the Revenue Divisional Officer, Narasaraopet-4th respondent herein to pass final orders pursuant to the charge memo dated 23.6.2016 by taking into consideration the explanation said to have been submitted by the petitioner on 11.7.2016, after giving notice and opportunity to the petitioner, within a period of eight weeks from the date of receipt of this order. It is further made clear that in the event of non-conclusion of enquiry within the time stipulated above, the petitioner herein shall be permitted to run the subject Fair Price Shop. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 17.1.2017
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A.V.SESHA SAI, J



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17.1.2017

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