

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1014 OF 2018

ORDER :

This writ petition is filed challenging the proceedings No.RCC/110/2016, dated 26.12.2017 issued by the 3rd respondent where under the authorization of the petitioner as fair price shop dealer for Shop No.6, Birudalanarava Village, Markapuram Mandal, Prakasam District, was cancelled, without conducting any independent enquiry and without application of mind; and for a consequential direction to the respondents to set aside the impugned order.

Learned counsel for the petitioner submits that petitioner filed appeal against the impugned order on 30.12.2017 before the 2nd respondent along with stay petition, but no orders are passed till date. He also submits that on earlier occasion when petitioner filed appeal before the 2nd respondent, the 2nd respondent remanded the matter to the 3rd respondent with a direction to finalize the disciplinary proceedings afresh. Without considering the said aspect, the 3rd respondent again passed the impugned order without giving any specific finding and without considering the explanation in proper perspective and without proper enquiry.

On the other hand, learned Assistant Government Pleader for Civil Supplies submits that after elaborate enquiry the

impugned order is passed and that against the impugned order petitioner has remedy of appeal.

It is to be seen that petitioner filed appeal on 30.12.2017 against the impugned order dated 26.12.2017 along with stay petition. As such, this Court is not inclined to go into the merits of the case. However, since it is stated that pending proceedings before the 2nd respondent, the petitioner is operating the fair price shop, and even in the remand order dated 26.08.2017 passed by the 2nd respondent there is a direction to allow the petitioner to distribute essential commodities to the cardholders, the impugned order dated 26.12.2017 shall remain suspended and petitioner is permitted to function as Fair Price Shop dealer pending appeal and the 2nd respondent is directed to dispose of the appeal filed by the petitioner after giving opportunity of hearing to the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

05.01.2018

Note: Issue CC in two days.

B/o.t k.