

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3739 of 2018

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in not concluding the enquiry proceedings and continuing the suspension proceedings, dated 22.08.2016, issued by respondent No.3-Revenue Divisional Officer, Kavali Revenue Division, SPSR Nellore District as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

The petitioner states that on an earlier occasion, he filed W.P.No.28534 of 2016 specifically asserting that the authorization granted in respect of Fair Price Shop No.2 (Kondapuram-2) of Boyillavaripalem Village, Kondapuram Mandal, SPSR Nellore District is subsisting in his favour and without there being either suspension or cancellation of the authorization, the respondents are refusing to supply the scheduled commodities for distribution and this Court *vide* order, dated 24.08.2016, directed respondent No.4 therein to supply the scheduled commodities to the petitioner, if there is no suspension or cancellation of the authorization granted in favour of the petitioner. Thereafter, the impugned proceedings are issued suspending the authorization of the petitioner, pending enquiry.

Heard learned counsel for the petitioner.

Today, learned Government Pleader for Civil Supplies appearing for the respondents, placed before this Court the

proceedings, dated 07.02.2018, issued by respondent No.3, wherein it is stated that after issuance of the show cause notice, the petitioner has been seeking time on the ground that W.P.No.28534 of 2016 is pending and no explanation has been offered with respect to the allegations and that the petitioner filed C.C.No.2248 of 2016 alleging violation of the order, dated 24.08.2016, passed in the above said writ petition.

It may be noted, at the outset, that the suspension order is being challenged almost two years after it was passed. There is no dispute that the petitioner was also issued show cause notice calling for the explanation as to why the authorization granted in his favour should not be cancelled for the allegations contained therein. It appears that the petitioner had not offered his explanation, having received the show cause notice, for the reasons best known to him. This is not a case where any interference is called for on the ground that the suspension cannot be beyond 90 days in terms of the provisions of the A.P. State Public Distribution System (Control), Order, 2008. Therefore, there is no justification to interfere with the impugned proceedings, pending enquiry.

Considering the facts and circumstances of the case and in view of the fact that even as on today, the petitioner had not submitted his explanation to the show cause notice, liberty is given to him to submit his explanation within three weeks from today. If explanation is submitted within the stipulated time,

respondent No.3 shall complete the enquiry within four weeks thereafter. In case the petitioner has not submitted his explanation within the stipulated time, respondent No.3 shall be entitled to proceed with the matter based on the material available on record after affording an opportunity of hearing to the petitioner.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:08.02.2018

kdl

CHALLA KODANDA RAM, J

