

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO. 6070 OF 2018

ORDER:

In this Writ Petition, the petitioner challenges the proceedings Rc.No.C/77/2018 dated 17.1.2018 suspending the authorization granted in his favour with respect to Fair Price Shop No.0926018, Kovur village and mandal, Nellore district, pending enquiry.

2. As can be seen from the material on record, there is a specific allegation against the petitioner in the show cause notice that the petitioner with the help of one K.Sreenivasaraju, District Coordinator, Vision-tech and three others who were entrusted with the monitoring of EPOS website, have tampered with the systems and thereby fraudulently drawn the scheduled commodities and diverted the same for illegal gains.

3. It is the case of the petitioner that he had submitted written explanation to the show cause notice on 9.2.2018, but no orders are passed by the 3rd respondent. The petitioner also submits that as against the suspension order, he preferred appeal before the 2nd respondent and the same is also pending. In those circumstances, he seeks a Writ of Mandamus as noted above.

4. Heard the learned Government Pleader.

5. Learned Government Pleader, on instructions, submits that in Nellore district as many as 68 cases of this nature have been noticed wherein Vision-tech Company and its District Coordinator Sri K.Sreenivasaraju, have tampered with EPOS website. As this matter is technical in nature, there is delay in conducting enquiry by the 3rd respondent. He would also bring to the notice of this Court that in similar circumstances, this Court refused to pass interim orders taking into consideration the peculiar facts of the case. However, he submits that there can be no objection from the respondents for a direction to be issued to the 2nd respondent to dispose of the appeal alleged to have been filed by the petitioner.

6. Having considered the respective submissions and the facts of the present case, merely on account of the fact that the petitioner has submitted explanation denying the allegations levelled against him, this Court cannot and need not exercise its discretionary power to suspend or cancel the proceedings suspending the authorization granted in favour of the petitioner. As the petitioner has already submitted his explanation and he has preferred an appeal before the 2nd respondent, ends of justice would be met if a direction is given to the 2nd respondent to pass orders on the appeal filed by the petitioner within a time frame.

7. Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent to pass orders on the appeal filed by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 23.2.2018

KPM

