

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6526 of 2018

ORDER:

In this Writ Petition, petitioner asserts that he was kept under suspension by the second respondent – Revenue Divisional Officer, Srikakulam, vide order, dated 05.10.2017 alleging certain irregularities against him in conducting fair price shop No.121770 of Ampalam-II Village, Sangamvari Street, Polaki Mandal, Srikakulam District. He further asserts that the said suspension was in force for a period of 90 days from the date of receipt thereof. He also asserts that though he received the said order in the 3rd week of October, 2017 and submitted his explanation on 04.12.2017, no enquiry was conducted till date. His grievance is that though the suspension pending enquiry was continued, the respondent authorities are not supplying him the essential commodities for distribution.

Learned counsel for the petitioner contends that though the suspension period has elapsed, the respondent authorities are not permitting the petitioner to distribute the essential commodities and thereby, prays for issuance of a direction to the respondent

authorities to supply the essential commodities to the petitioner for distribution.

Learned Government Pleader opposes the Writ Petition and submits that the notice of enquiry was issued to the petitioner and the enquiry could not be completed for some reason or the other and it would be completed in a short time. He also submits that the order of suspension was passed against him on the ground that he is not residing in the Village and as a matter of fact, he is working as a Seaman, Merchant Navy Employee, which fact is confirmed by his father in the statement recorded by the Enforcement Deputy Tahsildar.

Having considered the respective submissions, it is to be noted that this Court has been repeatedly holding that in the absence of suspension or cancellation of authorization, an authorized dealer cannot be prevented from discharging his functions. In this case, admittedly, the suspension period has elapsed, as such, it can be said that there is no justification for the respondents in not allowing the petitioner to distribute the essential commodities.

In those circumstances, the Writ Petition is allowed with the direction to the second respondent to permit the petitioner to distribute the essential commodities, until further orders are passed pursuant to the enquiry to be conducted.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

28th FEBRUARY, 2018.

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