

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No 11849 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The order passed by the Revenue Divisional Officer, Nellore - the 3rd respondent herein, vide proceeding Rc. No.3726/2017, dated 05.12.2017, keeping the authorisation of Fair Price Shop of the petitioner under suspension, pending enquiry, is under challenge in the present Writ Petition.

3. In the said order, the 3rd respondent framed following two charges against the petitioner :

Charge-1: During the inspection of shop No.26, that excess 650 Kgs of PDS Rice was found. It shows that the fair price shop dealer has intended to divert the stocks into the black market for his unlawful gains and thus violated clause 17(c) of Andhra Pradesh State Public Distribution System (Control) Order, 2008.

Charge-2: During the inspection it was found that the F.P.Shop dealer has failed to make true and correct accounts and thus violated the condition 4(ii) of Authorisation issued under Andhra Pradesh State Public Distribution System (Control) Order, 2008.

4. In response to the said charges, the petitioner herein submitted his explanation on 14.12.2017, denying the charges.

5. In the above background, the present Writ Petition is filed assailing the order dated 05.12.2017, keeping the authorisation of fair price shop of the petitioner under provisional suspension under clause 5(5) of Andhra Pradesh State Public Distribution System (Control) Order, 2008. According to the learned counsel for the

petitioner, the order impugned is highly illegal, arbitrary and is violative of Article 14 of the Constitution of India.

6. On the other hand, it is submitted by the learned Government Pleader that there is no illegality or any irregularity or any procedural infirmity in the impugned action and in the absence of the same, the present Writ Petition is not maintainable and since the enquiry is pending before the 3rd respondent, the petitioner herein can appear before the 3rd respondent.

7. As the enquiry before the 3rd respondent is pending as on date and as the petitioner herein already submitted his explanation on 14.12.2017 and taking into consideration the submissions of learned counsel for the petitioner and the learned Government Pleader, it is appropriate to dispose of the Writ Petition with a direction to the 3rd respondent to complete the enquiry and pass final order pursuant to the impugned order dated 05.12.2017, after taking into consideration the explanation offered by the petitioner and after giving opportunity to the petitioner, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of copy this order.

8. With the above directions, the Writ Petition is disposed of accordingly. There shall be no orders as to costs.

9. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

A.V.SESHA SAI, J

Date: 24.04.2018
JR

THE HONURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No 11849 of 2018



Dated: 24.04.2018

JR

