

THE HON'BLE SRI JUSTICE A. V. SESA SAI

W.P. No. 12543 of 2018ORDER:

Heard both sides.

2. The order of suspension of fair price shop authorization passed by the 2nd respondent, vide proceedings Rc.No. 1640/ CS/ 2014, dated 07.07.2014 is under challenge in the present writ petition.

3. The only contention advanced by the learned counsel for the petitioner herein is that the very action of the respondents in keeping the authorization under suspension beyond ninety days is impermissible, and cannot be sustained, in view of the law laid down by this Court in BOYA CHENNAPPA v. REVENUE DIVISIONAL OFFICER, ADONI, KURNOOL DISTRICT AND ANOTHER¹. Copy of the said order is placed on record along with the writ petition and as material paper. In the said case, this Court held as follows:

“11. This Court feels it necessary to give the following directions to the Assistant Supply Officers/ Tahsildars while dealing with the fair price shop dealers under the Control Order in order to ensure that the powers vested in them are exercised in conformity with the provisions of the Control Order:

(1) They may exercise the power of suspension where the nature of illegalities detected warrants an immediate action and such

¹ 2013 (1) ALT 265

action will not brooke the delay that may take place in the appointing-cum-disciplinary authority passing an order of suspension.

(2) It is desirable that they shall refrain from framing charges and calling for explanation in every case, unless the appointing-cum-disciplinary authority directs him to do so. Whenever an order of suspension is passed, the period for which such order is passed not exceeding 90 days shall be indicated therein besides specifying that the suspension is made pending further action by the appointing-cum-disciplinary authority.

(3) The disciplinary authority shall place all the material before the appointing-cum-disciplinary authority as soon as possible without waiting for the outer limit of 90 days to enable the appointing-cum-disciplinary authority to initiate immediate action for holding enquiry and passing a final order as early as possible.”

4. Following the above said order placed on record, this Writ Petition is allowed at the admission stage in terms of the judgment in BOYA CHENNAPPA v. REVENUE DIVISIONAL OFFICER, ADONI, KURNOOL DISTRICT AND ANOTHER, reported in 2013 (1) ALT 265. Miscellaneous applications pending, if any, stand closed.

A. V. SETHA SAI, J

Date: 26.04.2018
DMG

