

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13481 of 2017

O R D E R:

Alleging certain irregularities against the petitioner in discharging the duties as a dealer in respect of Fair Price Shop No.5010 of Eligaid Village and Mandal, Peddapalli District, respondent No.2-Revenue Divisional Officer, Peddapalli Division suspended her authorization *vide* order, dated 20.01.2017. In the said order, the period of suspension was not mentioned. On the same date, the petitioner was issued a show cause notice calling for the explanation as to why her authorization shall not be cancelled for the alleged omissions and commissions mentioned therein. Thereafter, the petitioner submitted her explanation on 27.03.2017. The grievance of the petitioner is that even after passage of time, respondent No.2 neither called the petitioner for personal hearing nor conducted the enquiry and completed the same. Hence, this writ petition.

Learned counsel for the petitioner submits that in terms of the A.P. State Public Distribution System (Control) Order, 2008 (for short 'the Control Order'), suspension pending enquiry cannot be beyond 90 days and this issue is well-settled in the judgment of the Division Bench of this Court reported in **Joint Collector, Kurnool and others Vs. A.Neelima**¹ and therefore, he prays for restoration of the authorization of the petitioner, pending enquiry.

¹ 1996(1)APLJ 285

The respondents have not filed any counter-affidavit. However, learned Government Pleader had placed para-wise remarks submitted by respondent No.2 *vide* his letter, dated 24.06.2017, wherein respondent No.2 has justified in passing the impugned order. However, there is no whisper with respect to the completion of the enquiry.

It is well-settled that suspension pending enquiry cannot be treated as a punishment and there is a duty cast on respondent No.2 to complete the enquiry within a timeframe. Since respondent No.2 had failed to conclude the enquiry, the petitioner would be entitled for limited relief. It may be noted that in terms of the provisions of the Control Order, as interpreted by the Division Bench of this Court in one *supra*, suspension pending enquiry cannot be beyond 90 days.

In those circumstances, the writ petition is allowed suspending the suspension of authorization of the petitioner, pending enquiry *vide* order, dated 20.01.2017, and directing respondent No.2 to complete the enquiry after giving an opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

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

CHALLA KODANDA RAM, J

Dt:24.04.2018
kdl

