

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.44145 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 18.12.2017, whereby the fair price shop authorisation of the petitioner was suspended on certain allegations.

Learned counsel for the petitioner submits that the impugned order is issued basing on the report under Section 6 A of the Essential Commodities Act, 1955, which is not permissible as per circular dated 28.09.2015 issued by the Government vide CCS Memo No.21/100/2015-AD1.PP-CCS; and that he relied on the Judgment rendered by this Court in ***P.Hanumantha Rao v. The Chief Rationing Officer, Twin Cities, Hyderabad and another***¹. He also submits that without conducting any enquiry, the impugned order has been passed.

On the other hand learned Government Pleader for Civil Supplies submits that the Government Memo is not applicable to the present case, since the impugned order is issued after issuing show-cause notice and after considering the explanation.

In this case it is to be seen that petitioner was issued show-cause notice to submit explanation as to why her authorisation should not be suspended and after submission

¹ 1993 (3) ALT 442

of explanation by the petitioner, the impugned order is passed. The impugned order does not indicate that it is pending further enquiry and the show cause notice itself is issued asking the petitioner as to why his authorisation should not be suspended. If suspension of fair price shop authorisation is by way of punishment, some time limit has to be indicated. Though learned Government Pleader submits that it should be deemed that suspension is pending enquiry, no time limit is indicated in the impugned order and it is also not stated in the impugned order that the suspension is pending enquiry.

In view of the aforesaid facts and circumstances, the impugned order is set aside. However, this order will not preclude the authorities from passing orders afresh after affording opportunity of hearing to the petitioner in terms of the A.P.S.P.D.S(Control)Order, 2008.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

02.01.2018
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