

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20719 of 2019

ORDER:

In this Writ Petition, petitioner challenges order dated 31.07.2019 passed by the third respondent – Revenue Divisional Officer, Nizamabad, suspending his fair price shop authorization on the ground that he has violated Clause 17(a) to (c) of TSPDS Order, 2016.

Learned counsel for the petitioner contends that the impugned order is invalid and bad in law as it does not specify the period of suspension and this precise issue is decided by this Court in **A. Sankar Narayana v. The Tahsildar, Atmakur Mandal, Anantapur District**¹.

On the other hand, learned Government Pleader for Civil Supplies appearing for the respondents produced before this Court a copy of the written instructions issued by the third respondent and while supporting the impugned order, he asserts that there is an appellate remedy available to the petitioner, but, without availing the same, he had approached this Court and on that simple ground, this Writ Petition is liable to be dismissed.

¹ 2011(3) ALT 236

It is to be noted that the petitioner is not challenging the impugned order on merits, but, is challenging the same on legal grounds. Further, on finding that there was some shortage of PDS rice in the fair price shop of the petitioner, the third respondent issued a show cause notice calling for his explanation and the petitioner submitted explanation thereto. In the said explanation, the petitioner has thrown blame on the hamalies, who are unloading the stock. Though the very explanation does not contain any substance, the third respondent passed the impugned order suspending the petitioner's fair price shop authorization. However, the suspension is ordered not as pending enquiry but as a measure of punishment. It is also to be noted that TSPDS Order, 2016, mandates the period of suspension and the suspension cannot be *ad infinitum*, as held by this Court in **A. Sankar Narayana** (supra). In this view of the matter, the impugned order is liable to be set aside.

In those circumstances, the impugned order is set aside and the matter is remanded to the third respondent, who in turn, shall take into consideration the gravity of the matter and pass appropriate orders in accordance with law, within one week from the date of receipt of a copy of this order. It is needless to mention that after serving the punishment, the fair price shop

authorization of the petitioner shall be restored for distribution of essential commodities to the cardholders.

This Writ Petition is accordingly allowed.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

25th SEPTEMBER, 2019.

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CHALLA KODANDA RAM, J

