

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 26655 of 2015

BETWEEN

K.Jayashanakr Goud

...Petitioner

And

State of Telangana

Rep. by its Principal Secretary,

Civil Supplies, Secretary, Hyderabad and ors

...Respondents

DATE OF JUDGMENT PRONOUNCED: 21.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers may be allowed to see the judgments? | YES |
| 2. Whether the copies of judgments may be marked to Law Reporters/Journals. | NO |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ? | NO. |

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 26655 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 23 of Allikhanpally village, Bomraspet Mandal, Mahabubnagar District. While so a show cause notice was issued on 16.5.2015 and the petitioner submitted his explanation on 11.6.2015. After considering the explanation, the third respondent passed the impugned order cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

The impugned order of cancellation of authorization reads the following allegations levelled against the petitioner thus:

- “1. That the fair price shop dealer Allikhanpally village, has not distributed sugar to the card holders for the month June-2014. On verification of distribution register by enforcement team it is found that, he has made entries of in distribution register without issuing to the cardholders.
2. That the fair price shop is distributing ECs (3) days in a month and he has not maintaining the timings as fixed by the Government.
4. That the fair price shop dealer is distributing kerosene 1 ½ Litre to the card holders in stead of 2 litre.
5. That Sri Jayashankar FP Shop dealer Allikhanpally is using abusive language with female cardholders. The Assistant Supply Officer, Narayanpet and has recorded the statement of female cardholders.”

After extracting the above allegations, the order of

cancellation was passed holding as follows:

“ Through the reference 3rd cited, Sri Jayashankar fair price shop dealer Allkhanpally has submitted his explanation stating that Sri Jayashnaker FP Shop dealer Allikhanpally has denied all charges and he has requested to drop the further action and requested to continue him as fair price shop dealer. The explanation has been examined with reference to the circumstances and situation and found that the explanation is not convincing improper behaviour of the FP Shop dealer with lady consumer is not tolerable.”

It is clear from the above extract that no enquiry was conducted and statement of card holders who stated before the Assistant Supply Officer, Narayanpet about their abusing was not produced before the enquiry. In the circumstances this Court is prima facie satisfied that the order of cancellation of authorization dated 4.7.2015 passed by the third respondent is vitiated and is accordingly set aside. The matter is remanded to the third respondent to conduct an enquiry in respect of the allegations levelled against the petitioner and pass orders thereon within a period of three months from the date of receipt of a copy of this order, after giving due opportunity to the petitioner. It is needless to state that in view of the present order, the appeal preferred by the petitioner to the second respondent against the impugned order becomes infructuous.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 21st August, 2015.

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