

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.16277 OF 2015

DATED:18-6-2015

Between:

Manyam Sri Ramulu

... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Department of Civil Supplies
Secretariat
Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. K.Sita Ram

COUNSEL FOR RESPONDENT NOs.1 to 4: A.G.P. for Civil Supplies
COUNSEL FOR RESPONDENT NO.5 : Mr. B. Sarvotham Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

-

This writ petition is filed with the grievance that though the appeal along with the stay application was received by respondent No.2 on 3.6.2015, the latter has not passed any order on the stay application. The petitioner has sought for a direction to the respondents to continue the petitioner as dealer of fair price shop No.8 of Nowlekal Village, Peddakadubur Mandal, Kurnool District.

I have heard Mr. K. Sita Ram, learned counsel for the petitioner, learned Assistant Government Pleader for Civil Supplies (AP) and Mr. B. Sarvotham Reddy, learned counsel for respondent No.5.

Ordinarily, this Court would have directed respondent No.2 to dispose of the stay application. However, on a perusal of the impugned order passed by respondent No.3 this Court is *prima facie* convinced that the charges on which the petitioner's authorization was cancelled are too flimsy and frivolous, not warranting such cancellation. Besides the fact that charge Nos.1 to 5 are not only vague but also flippant, the findings rendered by respondent No.3 in respect of these charges are bereft of any reasons whatsoever. In respect of charge No.6, the explanation of the petitioner that he could not lift the sugar quota for the Month of April, 2015 due to his ill-health was not considered from the proper perspective by respondent No.3. Similarly, the explanation of the petitioner for charge No.7 that out of 60.55 quintals of rice received by him for the month of April, 2015, he has distributed 60.15 quintals of rice and showed the remaining balance 0.40 Kgs., as backlog was rejected with a terse observation that the petitioner has not produced any evidence or acquittance in support of his explanation. No finding has been recorded by respondent No.3 that he has verified the stock register with reference

to the ground balance and found the alleged shortage.

In the light of the above discussion, I am of the view that the order of respondent No.3 shall not be allowed to operate and the petitioner shall be continued as fair price shop dealer pending disposal of the appeal by respondent No.2.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.21160 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-6-2015

bnr