

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.16816 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer of shop No.12, Sabashpuram Village, Tuggali Mandal, Kurnool District on permanent basis. While so, on the report of the fourth respondent dated 10.04.2015, the third respondent issued a show cause notice to the petitioner on 07.05.2015 calling for explanation in respect of four irregularities. The petitioner submitted his explanation to the said irregularities. However, after considering the explanation, the authorization of the petitioner was cancelled by order dated 27.05.2015 without conducting any enquiry. Challenging the said order, the present Writ Petition is filed.

The charges levelled against the petitioner are as follows:

- “1. The FP shop dealer is not maintaining the FP Shop Timings.
2. That the FP shop dealer is not maintaining acquaintances properly.
3. She has not distributed 1.08 qlts. Of PDS Rice and 0.18 qlts. of sugar for the month of March, 2015.
4. She has not distributed 45 Lts. of K.Oil for the month of March, 2015.”

I have perused the nature of charges and charge Nos.1 and 2 are trivial. With respect to charge Nos.3 and 4, the third respondent should have conducted an enquiry by verifying the stock register but he has not done so. All the allegations levelled against the petitioner can be verified without suspending/cancelling the authorization. However, since the third respondent has passed the final order, and there is a right of appeal against the said order, the petitioner can file an appeal against the impugned order dated 27.05.2015 passed by the third respondent within a period of fifteen days from the date of receipt of a copy of this order. The second respondent shall complete the

enquiry, and dispose of the appeal, in accordance with law, within a period of three months from the date of receipt of the appeal. In the meanwhile, cancellation of authorization of the petitioner dated 27.05.2015, is suspended till the disposal of the appeal by the second respondent.

The Writ Petition is, accordingly, disposed of.

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

A. RAMALINGESWARA RAO,J

Date:15.06.2015

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