

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21260 of 2015

DATED 10th July, 2015

BETWEEN

Smt. Bhavanam Hymavathi

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Ex Officio Secretary to Government,
Consumer Affairs, Food and Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21260 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. 2 of Bhupathipalli Village, Markapuram Mandal, Prakasam District. While so, as the petitioner was suffering from ill health, she went to hospital on 15.6.2015 and in her absence, the Additional Revenue Inspector, Markapuram broke upon the lock and seized the ground stock and based on the said incident/inspection, a show notice was issued on 20.6.2015 framing five charges against the petitioner. The petitioner submitted her explanation on 1.7.2015. Being not satisfied with

the said explanation, third respondent passed an order on 3.7.2015 cancelling the authorization of the petitioner. Challenging the said order, the present Writ Petition is filed.

This Court carefully perused the impugned order dated 3.7.2015, which clearly shows that after receiving the show cause notice on 20.6.2015, the petitioner submitted her explanation on 1.7.2015 and within two days thereafter, the impugned order is passed. This Clearly reflects that no enquiry is conducted in respect of the charges levelled against the petitioner. The findings recorded by the third respondent also show that no enquiry was conducted and no clear finding was recorded in respect of each charge. In the circumstances, this Court is satisfied that the order passed by the third respondent is liable to be set aside and is accordingly set aside.

The Writ Petition is allowed. However, this order will not prevent the respondents from conducting an enquiry in respect of the charges levelled against the petitioner by duly affording an opportunity of being heard to the petitioner and pass appropriate orders thereon.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 10th July, 2015.
Msnrx