

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.12568 of 2015

ORDER:

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

The petitioner is a fair price shop dealer of shop No.24 of Papampalli Village, Atmakur Mandal in Anantapur District. His authorization is valid up to 31.03.2016. It appears that the third respondent submitted a report to the second respondent on 02.03.2015, based on which a show cause notice was issued to the petitioner on 18.03.2015. The petitioner submitted his explanation on 27.03.2015 by extracting the substance of the explanation to each charge. The second respondent passed the impugned order on 27.03.2015 suspending the authorization of the petitioner without indicating any period for such suspension. Challenging the said order, dated 27.03.2015, passed by the second respondent, the present Writ Petition is filed.

A reading of the impugned order shows that initially the cardholders submitted a petition to the Tahsildar requesting to take action against the petitioner. Thereafter, the Deputy Tahsildar (CS), Atmakur, enquired into the matter and submitted a report. After receipt of the report, the following charges were framed against the petitioner:

"Charge No.1: The F.P.Shop dealer is not distributing ECs to the cardholders properly and he is distributing one or two days in a month. Thereby the F.P.Shop dealer violated Cl.22(vii) of APSPDS Control Order.

-

Charge No.2: The F.P.Shop dealer not distributing Rice, Sugar, Atta and K.Oil regularly. Thereby the F.P.Shop dealer violated 22(iii) of APSPDS Control Order.

-

Charge No.3: The F.P Shop dealer distributing K.Oil 1½ litre per card instead of 2 litres for non Gas holders and taking signatures per 2 litres. Thereby the F.P.Shop dealer violated 22(iii) of APSPDS Control Order.

-

Charge No.4: The F.P.Shop dealer distributing commodities with less weightment. Thereby the F.P.Shop dealer violated 7(i) of APSPDS Control Order.

-

Charge No.5: The FP Shop dealer using filthy language with cardholders when they approach the FP Shop for receiving the ECs. Thereby the F.P.Shop dealer violated Control Orders of 2008.

-

Charge No.6: The FP Shop dealer not distributing the commodities in the morning times and started distribution by 5:00 PM upto 11:00 PM. Thus he is not maintained the timings. Thereby the F.P.Shop dealer 22(vi) violated Control Orders of 2008.

-

Charge No.7: The FP Shop dealer not displayed the stock cum price board on the FP Shop. Thereby the F.P.Shop dealer violated 22(v) of APSPDS Control Order.

-

Charge No.8: The FP Shop dealer distributing the ECs with higher rates. Thereby the F.P.Shop dealer violated 7(i) of APSPDS Control Order.”

I have carefully gone through the charges framed against the petitioner and the charges can be verified then and there on the basis of the record available. Though the petitioner submitted the stock register of February, 2015, as well as sales register of 2015, certificate issued by the Legal Metrology Department and the photocopies of stock-cum-price list board and weights, no efforts were made by the second respondent for considering those documents. The second respondent felt that deterrent punishment was necessary to keep away the FP Shop dealer from the public distribution system to safeguard the interest of the poor cardholders and also for smooth functioning of public distribution system. Today I dealt with four or five cases where I reviewed the order passed by the second respondent. He repeated this opinion in all the cases. In view of the

nature of the allegations and keeping in view the material submitted by the petitioner in support of his explanation and non-consideration of the same by the second respondent, I deem it a fit case to interfere with the arbitrary exercise of power of suspension.

In the circumstances, the second respondent is directed to complete the enquiry on the charges leveled against the petitioner, within a period of sixty days from the date of receipt of a copy of this order, and he is further directed to continue the dealership of the petitioner pending disposal of the enquiry before him. The second respondent shall not construe this order as an expression of any opinion on the allegations leveled against the petitioner, but this Court is of the opinion that in view of the nature of the allegations against the petitioner, it is not a fit case for suspension of dealership.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

02.06.2015

vs

-