

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

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WRIT PETITION No.34488 of 2015

Between:

P.Venkata Swamy.

....Petitioner

and

The State of Andhra Pradesh,

Rep.by its Secretary,

Consumer Affairs, Food and Civil Supplies (CS.I) Department,

Secretariat, Secretariat Buildings, Hyderabad,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 14.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes

may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34488 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.34 of K.Ubicherla Village, Gooty Mandal in Anantapuramu District. The third respondent submitted a report on 27.01.2015, on the basis of which, the second respondent framed two charges against the petitioner. The petitioner submitted his explanation on 28.02.2015 and after considering the explanation, an enquiry was conducted. Ultimately, the authorisation of the petitioner was cancelled on 26.09.2015. Challenging the same, the present Writ Petition is filed.

There are two charges framed against the petitioner and the second charge is only a technical charge. However, in respect of the first charge, the findings recorded are as follows:

“Charge No.1:- As per Bill No.170 Dated:19-1-2015, K.Oil allotted 416 Litres, to the FP Shop dealer, but the F.P.Shop dealer noted 326 Litres in one Note Book instead of Stock register. The variation of K.Oil is 90 liters and the same diverted into black market. Thereby the F.P.Shop dealer violated Cl.17(b)(c) of APSPDS Control Order, 2008.

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Explanation: All the allegations made in charge are denied as not true. It is submitted that as seen above shortage shown the difference but the inspecting authorities without seeing any of the records without weighment of rice shortage was shown in the charge and this respondent submit that there is no shortage quantity available in the shop and allegations made in the charge quite contra to the facts. It is submitted that the dealer has maintained true and correct accounts of day by day in the stock register. It is submitted that the inspecting authorities made the charge only guess work without seeing and without visiting the shop the above charge made against the dealer and he has not violate clause 17(b)(c) of APSPDS Control Order,

2008.

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Finding to explanation-1: The F.P.Shop dealer stating that he has received 326 Lts instead of 416 Lts of K.Oil. As verified the stock register maintained by the F.P.Shop dealer in one note book, he has received 416 Lts of K.Oil. The F.P.Shop dealer appended his signature in the stock register as he has received 416 Lts of K.Oil on 19.01.2015. There is variation of 90 Lts of K.Oil in the F.P.Shop at the time of inspection by the CSDT and MRI Gooty on 22.01.2015. As per clause 24(i) of APSPDS Control Order 2008, the maximum variation 1.5 percent is allowed per single commodity for one month sales transactions. As per allotment maximum variation 6 Lts of K.Oil is allowed as per the said clause, where as 84 Lts of K.Oil is shortage in the F.P.Shop premises at the time of inspection. Hence the explanation filed by the F.P.Shop dealer is not taken consideration and the charge is proved.”

A perusal of the above shows that the petitioner did not submit any explanation to the first charge and in enquiry it came out that he has stated to have received 326 litres instead of 416 litres, but signed the stock register as if he has received 416 litres of Kerosene oil on 19.01.2015. In view of the same, the authorisation of the petitioner was cancelled and this Court is satisfied with the said order.

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

(A.RAMALINGESWARA RAO, J)

14.10.2015

vs

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