

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21468 of 2015

DATED 13th July, 2015

BETWEEN

G.Navaneetha Rao

....Petitioner

And

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

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21468 of 2015.

ORDER:

-

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.43 of Konduru village, Atchampeta Mandal, Guntur District on permanent basis. While so, on 7.6.2015 the third respondent along with his staff inspected the fair price shop of the petitioner. At the time of inspection, the petitioner was not present in the shop, and, his wife was present. However, the third respondent sent a report on 12.6.2015 to the second respondent alleging that there was shortage of 102 Kgs of rice. On the basis of the said variation, 6-A proceedings were initiated against the petitioner and the same are pending.

Thereafter the authorization of the petitioner was suspended on 27.6.2015 and a show cause notice was also issued on the same day. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that the petitioner has already submitted his explanation to the show cause notice dated 27.6.2015 and the same has not been properly considered by the second respondent.

A perusal of the suspension order indicates that the authorization of the petitioner was suspended solely on the ground that 6-A proceedings are initiated. The allegation mentioned in 6-A proceedings is same as that of the allegation mentioned in the impugned order of suspension. The third respondent is aware that the proceedings initiated under Section 6-A of the Essential Commodities Act are different from the proceedings initiated under the provisions of AP State Public Distribution System (Control) Order, 2008. Thus the suspension of the authorization cannot be passed automatically whenever 6-A proceedings are initiated. Though two charges are levelled against the petitioner, they relate to the same allegation mentioned in 6-A proceedings and those allegations can be enquired into based on the record without suspending the authorization also. In the circumstances, this Court is prima facie satisfied that the order of suspension is unwarranted in the facts and circumstances of the case on hand.

In view of thereof, the impugned order dated 27.6.2015 to the extent of suspension of the authorization of the petitioner is

set aside and the second respondent is directed to complete the enquiry after giving due opportunity to the petitioner and pass final order thereon with in a period of three months from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

-
-

JUSTICE A.RAMALINGESWARA RAO

Dated 13th July, 2015.
Msnr_x