

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.31494 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Civil Supplies for respondents.

2. The petitioner was appointed as a fair price shop dealer of shop No.22 of Molagavalli Village, Alur Mandal, Kurnool District. While so, the third respondent issued a show cause notice to the petitioner on 16.03.2015 in respect of the six charges and the petitioner submitted his explanation on 23.03.2015. When the third respondent issued proceedings dated 27.03.2015 suspending the authorization of the petitioner, the petitioner filed W.P.No.9580 of 2015 and this Court allowed the same, by order dated 07.04.2015. After considering the explanation and recording the statement, the third respondent passed an order on 10.09.2015 cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

3. A perusal of the impugned order shows that as many as 6 charges were leveled against the petitioner and they are as follows:

“ Charge No.1: He has not maintained dynamic key register (Sales Register Acquaintance) for issue of Sugar in the month of March 2015, Accounts not maintained properly.

Charge No.2: He has distributed the sugar without Release Order of Mandal Revenue Inspector, Alur.

Charge No.3: Name Stock cum price list board not exhibited.

Charge No.4: He has not obtained the verification certificate from the Legal Metrology Department.

Charge No.5: He is not conducting the business in authorized place i.e., D.No.4/108 of Molagavalli Village as per the Authorization issued by the Revenue Divisional Officer, Adoni vide Rc.M.395/2014, dated .7.2014. He is conducting business at D.No.1/127, Molagavalli Village of Alur Mandal without prior permission of the Authorities.

Charge No.6: Dates of distribution of Rice not noted in the sales Register.”

4. The above charges are technical charges coming under Clause 24 of the A.P. State Public Distribution System (Control) Order, 2008. In respect of the above charges, the third respondent ought not to have taken the drastic step to cancel the authorization of the petitioner even when he is satisfied with the proof of those charges. In the circumstances, this Court is inclined to set aside the order of the third respondent dated 10.09.2015 and remand the matter to the third respondent for imposing appropriate punishment in accordance with law other than the order of cancellation of authorization of the petitioner.

5. The Writ Petition is, accordingly, allowed to the extent indicated above. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 29.09.2015

TJMR

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