

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

-
WRIT PETITION No.11650 of 2015

Between:

S. Padmavathi

... Petitioner

And

1. The State of Andhra Pradesh, Civil Supplies Department,
Secretariat, Hyderabad, rep. by Secretary, and others.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 12-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment | Yes/No |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.11650 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer in respect of Shop No.10 of Yellunuru Village, Ananthapur District in the year 1994. While so, the 4th respondent inspected the shop and found certain variations with regard to the stock, books and the sale register. He submitted a report to the 3rd respondent, based on which the 3rd respondent issued proceedings framing four charges, which read as under.

Charge No.1: The F.P. shop dealer is not used weighing stones with authorised sealed stones issued by the weights and measurement department at the time of distribution of essential commodities to the cardholders and she is used weighing stones available in locally without verification of the concerned department and rice have been to distributed to card holders 2 or 3 kgs less to the card holders as per statement given above. Thereby the F.P. Shop dealer violated Cl.7(i) of APSPDS Control Order.

Charge No.2: The F.P. Shop dealer has not exhibited the price list board and stock position board in front of F.P. Shop. Thereby the F.P. shop dealer violated Cl.22(v) of APSPDS Control Order.

Charge No.3: The F.P. Shop dealer is not residing in Yellanur Village she is residing at Guntakal Town. Thereby the F.P. Shop dealer violated conditions of appointment orders.

Charge No.4: The F.P. shop dealer is distributed the essential commodities only two days in a month. Thereby the F.P. shop dealer violated Cl.22 (vii) of APSPDS Control Order.

Basing on the above allegations the 3rd respondent issued

show cause notice cum suspension pending enquiry. Questioning the same, the petitioner filed W.P.No.27203 of 2014, which was disposed of by this Court on 16.09.2014 setting aside the order passed by the 3rd respondent observing that the order shall not preclude the competent authority from taking action against the petitioner if he committed any violation. Thereafter, the 3rd respondent enquired into the matter and issued show cause notice dated 2.03.2015 for which the petitioner submitted explanation. Without considering the same the 3rd respondent passed the impugned order dated 01.04.2015 suspending the authorisation of the petitioner. Hence the present writ petition is filed.

It is admitted by the learned counsel for the petitioner that against the impugned order there is a remedy of appeal to the 2nd respondent and the petitioner is willing to pursue the said remedy.

In the circumstances, the petitioner is given liberty to file an appeal before the 2nd respondent within a period of 30 days from the date of receipt of a copy of this order. However, the petitioner shall be permitted to continue as dealer for a period of thirty days in order to enable him to file appeal before the 2nd respondent.

With the above directions the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

12th August, 2015
Js.