

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29117 of 20156

DATED 9th September, 2015

BETWEEN

M.N.Dastagiri

...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. 29117 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. 8 of Peddanelatur Village, Gonegondla Mandal,
Kurnool District. The authorization of the petitioner was
suspended by the third respondent through his proceedings
dated 14.07.2015 and a show cause notice was also issued on
the same day. The petitioner submitted his explanation on
27.07.2015. Though the petitioner filed an appeal against the
order of suspension of authorization passed by the third
respondent, the petitioner filed the present Writ Petition
challenging the order of suspension.

A perusal of the show cause notice shows the following

charges levelled against the petitioner, which reads as under:

- ECs
- “1. It is reported that the dealer is not distributing properly to the card holders.
2. That the dealer is not residing in the village.
3. That the dealer is distributing ECs for 2 or 3 days only.
4. That the dealer is distributing to the card holders sugar, K.oil 2 or 3 days only.”

A perusal of the aforesaid charges makes it clear that the same are vague and, further that Charges 3 and 4 are one and the same. The learned Counsel for the petitioner submits that so far no enquiry was conducted by the third respondent.

In the circumstances, the impugned order of suspension dated 14.7.2015 passed by the third respondent is set aside to the extent of suspending the authorization of the petitioner, however giving liberty to the third respondent to conduct an enquiry in respect of the vague allegations levelled against the petitioner and pass final order thereon within a period of three months from the date of receipt of a copy of this order by giving due opportunity to the petitioner.

The Writ Petition is allowed to the extent indicated above, at the admission stage. 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 9th September, 2015.

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