

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20630 of 2015

DATED 7th July, 2015

BETWEEN

Rajampalli China Nagur Meeravali

...Petitioner

And

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. 20630 of 2015

ORDER:

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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. 10, Umamaheswarapuram village, Mundlamuru Mandal, Prakasam District on permanent basis. While so, the Food Inspector, Podili inspected the shop of the petitioner on 24.08.2014 and on the basis of the report submitted by him, the fourth respondent by order dated 21.10.2014 suspended the authorization of the petitioner. The petitioner submitted his explanation. Having not satisfied with his explanation, by order dated 27.02.2015 the fourth respondent cancelled the

authorization of the petitioner. Against the said order, the petitioner preferred an appeal before the third respondent, who confirmed the order of the fourth respondent by order dated 23.06.2015. Though the petitioner preferred revision before the second respondent, he also filed present Writ petition challenging the order dated 23.6.2015 passed by the third respondent confirming the order of the fourth respondent dated 27.2.2015.

The learned Counsel for the petitioner submits that no proper opportunity was given by the fourth respondent and though the petitioner submitted his explanation on 25.2.2015, order of cancellation was passed within two days i.e. on 27.02.2015. He further submits that the third respondent without looking into the said fact, confirmed the order of the fourth respondent by order dated 23.6.2015.

The two charges levelled against the petitioner read as under:

“1. That the F.P. Shop dealer allowed one Sri Shaik Peda Nagoor Meeravali as benami to run the affairs of F.P. Shop.

2. Though the coupons in respect of certain cardholders were available with the concerned cardholders, the dealer shown the said names in the records as distributed in the month of July 2014 and thereby diverted 172 Kgs rice into black market without distributing the same to the concerned cardholders.”

Being not satisfied with the explanation submitted by the petitioner to the aforesaid two charges, the fourth respondent passed order on 27.2.2014 cancelling the authorization of the

petitioner and the same was confirmed by the third respondent through the order dated 23.6.2015 passed in the appeal preferred by the petitioner. The revision preferred by the petitioner against the order of the third respondent is pending before the second respondent. In view of the pendency of the revision before the second respondent, this Court is not inclined to comment on the merits of the case. The petitioner is given liberty to pursue the revision pending before the second respondent and the second respondent is directed to dispose of the revision preferred by the petitioner within a period of two months from the date of receipt of a copy of this order by duly following the principles of natural justice.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 7th July, 2015.
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