

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22253 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.38 of Latchannapeta, Jalumuru Mandal, Srikakulam District. While so, the shop was inspected on 22.01.2015 when they found some variations in the stock. On the basis of report received from the inspecting officials, two charges were levelled against the petitioner including charge of variation and suspended the authorization pending u/s.6-A of Essential Commodities Act proceedings, by order dated 15.04.2015. Challenging the same, the present writ petition is filed.

The third respondent choose to issue show cause notice levelling the allegations of the petitioner on 03.02.2015 and the petitioner submitted a detailed explanation on 11.03.2015. Without considering the detailed explanation, the impugned order of suspension was passed by holding as follows:

“the delinquent FP shop dealer Latchnnapeta submitted his explanation in the reference 4th cited. The dealer in his explanation stated that a false case was foisted against him and he is innocent.

The explanation submitted by the individual is not convincing and satisfactory.

Keeping in view of the above irregularities committed by the FP shop dealer Latchannapeta viz., variations of stock balances and putting binami dealer, it is construed that there is negligence on the part of charge dealer and hence the authorization is hereby suspended duly exercising the powers conferred on, under Clause 5 (5) of Andhra Pradesh State Public Distribution System (Control) Order 2008 r/w the E.C. Act 1955 pending finalization of 6-A case.”

This Court carefully perused the explanation submitted by the petitioner. The petitioner submitted his explanation in respect of each quantity mentioned in the variation table. He did not simply deny the allegation. When such a detailed explanation was submitted by the

petitioner, the third respondent ought not to have passed order of suspension by simply holding that the individual explanation was not convincing and satisfactory. He did not submit the explanation merely stating that a false case was foisted against him and is innocent. In the circumstances, this Court is not satisfied with the manner of consideration of explanation of the petitioner by the third respondent and ordering suspension of authorization.

Therefore, the impugned order dated 15.04.2015 passed by the third respondent is set aside. However, the third respondent is given liberty to conduct enquiry in respect of the allegations and complete the same by following due principles of natural justice, within a period of three months from the date of receipt a copy of this order.

The writ petition is allowed to the extent indicated above. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

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A. RAMALINGESWARA RAO, J

Date: 17.07.2015
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