

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.32529 of 2015**

**ORDER:**

The petitioner was appointed as a Fair Price Shop dealer of Shop No.21, Molagavalli Village, Alur Mandal, Kurnool District. The third respondent issued a show cause notice on 23.02.2015 on the basis of the report submitted by the fourth respondent on 19.02.2015. The petitioner submitted his explanation on 03.03.2015. Since the explanation of the petitioner was not satisfactory, the authorisation of the petitioner was suspended on 10.03.2015 pending enquiry. Challenging the said order, the petitioner preferred an appeal before the first respondent and also filed W.P. No.12937/2015 and the order of suspension was set aside by this Court by order dated 17.07.2015 and the third respondent was directed to conduct an enquiry into the allegations and pass final orders within a period of thirty days. Thereafter, another show cause notice was issued by the third respondent on 07.08.2015 and the petitioner was asked to attend for an enquiry on 17.08.2015, and accordingly, the petitioner attended the enquiry on that day. An order was passed on 10.09.2015 cancelling the authorisation of the petitioner. Challenging the same, the petitioner filed W.P.No.31500/2015 and withdrew the same with permission to file an appeal before the second respondent on 29.09.2015. Subsequently, the petitioner filed an appeal before the second respondent on 30.09.2015 and filed the present writ petition.

The charges levelled against the petitioner are as follows:

- “1) That the dealer is not distributing EC's to the card holders properly.
2. That the dealer is not informing about the distribution of EC's by beat of Tom-Tom in the village.
3. That he is distributing EC's to the card holders for one day only and not following the instructions issued by the Government.
4. He is in the habit of Quarling with the cardholders.
5. He is not issuing correct weightment on electronic weighing Machine, and the card holders are receiving less quantity of EC's.

6. That the dealer has lifted the sugar from the MLS Point to his Fair Price Shop as noted below and not distributed the same to the cardholders and divert the Levy Sugar to the Black Market.”

A perusal of the above charges would make it clear that they are vague and nobody can conduct an enquiry in respect of the above charges. The petitioner denied the charges, and in spite of the same, findings were recorded in respect of each charge and the authorisation of the petitioner was cancelled. A perusal of the charges shows that they are technical in nature and come within clause 2(4) of the A.P. Public Distribution System (Control) Order 2008.

In the above circumstances, the impugned order of the cancellation of authorisation dated 10.09.2015 is set aside, and the matter is remanded to the third respondent for imposing minor punishment on the petitioner for the minor irregularities committed by him.

Accordingly, this Writ Petition is allowed to the extent as indicated above. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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**A.RAMALINGESWARA RAO, J**

06.10.2015

MVA

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