

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18442 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. With the consent of parties, the Writ Petition is being disposed of at the stage of admission.

The petitioner was appointed as a fair price shop dealer of F.P.Shop No.29, Vengalampalli Village, Peapully Mandal, Kurnool District. While so, the third respondent suspended the authorization of the petitioner by order dated 28.07.2014. A show cause notice dated 01.11.2014 was issued levelling three allegations. When the petitioner filed W.P.No.24802 of 2014, this Court, by order dated 05.09.2014, disposed of the Writ Petition directing the Joint Collector, Kurnool District to dispose of the appeal within a period of eight weeks from the date of the order and suspended the proceedings dated 28.07.2014 suspending the authorization of the petitioner. The second respondent remanded the appeal directing the third respondent to conduct an enquiry duly following the procedure after giving an opportunity to the petitioner. The third respondent issued show cause notice dated 01.11.2014 framing three charges. After submission of explanation by the petitioner, the third respondent passed an order on 18.04.2015 cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the second respondent has not applied his mind to the allegations and, in fact, he travelled beyond the allegations mentioned in the show cause notice.

It appears that, after issuance of show cause notice and

when the case is pending before the third respondent, the Tahsildar, Peapully, appears to have submitted a report dated 31.03.2014 (2015) and, in view thereof, without issuing show cause notice, the allegations contained in the report were got enquired into. However, a perusal of the impugned order shows that the third respondent has not conducted any enquiry and passed the impugned order based on the report submitted by the Tahsildar pursuant to the enquiry conducted by the Mandal Revenue Inspector and Village Revenue Officer. The impugned order ultimately ended as follows:

“On perusal of the explanation, the dealer Sri M.Sudhakar Naidu is not explained properly as they are not convincing the charges and held proved.

The F.P.Shop dealer committed irregularities. He contravened the sub-clause (iii)(iv)(v) and (viii) of clause 22 of APPDS (Control) Order, 2008 and violated the conditions mentioned in the F.P. Shop authorization.

However, the F.P.Shop authorization of Sri M.Sudhakar Naidu F.P.Shop dealer of Vengalampalli Village, Peapully Mandal, Shop No.29 is hereby cancelled.

The Tahsildar, Peapully is directed to make alternative arrangements for distribution of essential commodities to the cardholders of F.P.Shop No.29 of Vengalampalli Village without any complaints.”

In view of the above order of the third respondent, it is clear that the third respondent has not given any findings in respect of the allegations nor supplied the report of the Tahsildar during the pendency of enquiry or a proper enquiry was conducted in the matter.

Hence, the impugned order of the third respondent dated 18.04.2015 is set aside, and the matter is remanded to the third respondent to conduct an enquiry afresh, in accordance with law, after observing principles of natural justice, within a period of sixty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

As a sequel thereto, miscellaneous applications, if any, also

stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:24.06.2015
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