

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.14441 of 2015

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ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was appointed as a fair price shop dealer of shop No.9 of Bodisanivandlapalli, Hamlet of Nooliveedu Village, Galiveedu Mandal, Y.S.R.District. While so, the fourth respondent inspected the fair price shop of the petitioner on 13.03.2015 and submitted a report on 17.03.2015 to the second respondent. Based on the said report, the third respondent issued a show cause notice on 05.04.2015 framing three charges against the petitioner. The petitioner submitted his explanation to the said charges. After receiving the explanation, the impugned order was passed by the third respondent on 20.04.2015 keeping the authorisation of the petitioner under suspension pending enquiry.

I have perused the order dated 20.04.2015. The first charge relates to minor variation of essential commodities, the second charge relates to distribution of sugar at a price other than the price notified and the third charge relates to distribution of less quantity of PDS rice. The impugned order was ultimately passed holding as follows:

“His explanation is not all convincing since Tahsildar, Galiveedu has personally inspected her F.P.Shop conducted discreet enquiry in the village with the cardholders and recorded their statements wherein it was revealed that the F.P.Shop Dealer is not properly distributing E.Cs to them. He has also not maintained proper accounts which means he is indulged in clandestine business for his pecuniary benefits. Hence all the charges framed against him are held proved.

Therefore the said F.P.Shop Dealer has violated the A.P.S.P.D.S (Control) Order, 2008. Hence the F.P shop authorisation of

Sri S.Basi Reddy, F.P.Shop Dealer, Shop No.09 of Bodisanivandlapalli Village of Galiveedu Mandal is hereby suspended pending enquiry.

The Tahsildar, Galiveedu Mandal is directed to make alternate arrangements to the neighbouring F.P.Shop dealer on incharge basis for distribution of Essential Commodities to the cardholders without any interruption.”

A perusal of the above order clearly shows that the third respondent has not considered the explanation in proper perspective and did not indicate how he came to the *prima facie* conclusion that the petitioner indulged in clandestine business for his pecuniary benefits.

In the facts and circumstances of the case, this Court is not satisfied with the reasons mentioned in the order of suspension of authorisation. The impugned order, to the extent of suspension of authorisation, is set aside, giving liberty to the third respondent to conduct enquiry in accordance with law in respect of the charges levelled against the petitioner, and complete the same within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.06.2015

Note: Issue C.C in one week.

B/o.

vs

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