

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.14518 of 2015

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 on permanent basis by the second respondent. While so, the third respondent inspected the shop on 09.03.2015, based on which a show cause notice was issued on 13.03.2015 framing four charges against the petitioner. The petitioner submitted his explanation on 04.04.2015. After considering the explanation, the impugned order was passed on 04.04.2015. It is the case of the petitioner that the same was served on him on 04.05.2015. Challenging the order of cancellation of authorisation, the present Writ Petition is filed.

The show cause notice was issued in respect of the following charges:

“1. The F.P Shop dealer is supposed to distribute the essential commodities to the cardholders as long as he is having essential commodities in his business premises in the prescribed timings. But, the F.P shop dealer in contrary to it, distributing the essential commodities only for three or four days and for the rest of days he is closing the F.P.Shop. Thereby the F.P shop dealer violated clause 22(vi) of APSPDS Control Order 2008.

2. The F.P shop dealer has made concocted entries in the sales register and deprived the said stocks to the cardholders. He used the rice of the concocted entries for his personal gains and shown false entries to the inspecting officers at the time of inspection. Thereby, the F.P shop dealer violated cl. 22(viii) of the APSPDS Control Order, 2008.

3. The F.P shop dealer is issuing less weighment to the cardholders. Thereby, the F.P shop dealer violated cl.7(i) of APSPDS Control Order, 2008.

4. The F.P shop dealer shall exhibit the scale of issue and the price of each commodity as fixed by the Government time to time should be exhibited in the F.P shop. But, the dealer has not exhibited the stock and price board. Thereby, the F.P shop dealer violated cl.22(v) of the APSPDS Control Order, 2008.”

As stated above, the petitioner submitted his explanation. The second respondent recorded the findings in respect of each charge, and in respect of each charge, he stated that the explanation is not acceptable and the dealer deserves punishment. While coming to the conclusions, the second respondent merely reiterated the charges without any evidence. When a quasi-judicial authority, like the second respondent, is coming to conclusions, he is expected to base the conclusions on some reasoning. The mere repetition of the charges cannot substitute the place of reasoning.

In the circumstances, this Court is not impressed by the order passed by the second respondent for cancelling the authorisation held by the petitioner. However, the matter is remanded to the second respondent for conducting an enquiry in respect of the allegation made against the petitioner in the show cause notice dated 13.03.2015 and complete the same within a period of three months from the date of receipt of a copy of this order. Pending conclusion of the enquiry, the dealer is entitled to continue his dealership.

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

(A.RAMALINGESWARA RAO, J)

15.06.2015

vs

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