

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.24609 of 2015

Between:
J. Indira Rani.

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Secretary,
Consumer Affairs, Food and Civil Supplies (CS.I) Department,
Secretariat, Secretariat Buildings, Hyderabad, and 2 others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 06.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.24609 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of Shop No.31 of Mallavolu Village of Machavaram Mandal in Guntur District. While so, the Deputy Tahsildar, Gurazala Mandal, filed a report before the second respondent-Revenue Divisional Officer, Gurazala on 15.06.2015 stating that he had inspected the shop on 15.06.2015 and noticed variation in the stock. Based on the said report, a show cause

notice was issued to the petitioner by the second respondent on 20.06.2015 alleging variation of quantity of 3.20 quintals of PDS rice and 0.05 kgs of sugar (shortage) as compared with the ground balance as well as the stock register. The petitioner submitted her explanation on 23.06.2015 and after receipt of the explanation, the authorization of the petitioner was suspended on 17.07.2015. Challenging the same, the present Writ Petition is filed.

It appears that on the report of the Deputy Tahsildar, Gurazala, dated 15.06.2015, proceedings under Section 6-A of the Essential Commodities Act were initiated and they are pending. While so, the second respondent wanted to take the proceedings due to variation in the stock and, accordingly, issued a show cause notice on 20.06.2015 and the petitioner submitted her explanation on 23.06.2015. The charge reads as follows:

“There is a variation of Q.3.20 kgs of PDS Rice (Shortage) when compared with Ground Balance and Sales and Stock Registers.”

There are no details with regard to the ground balance and sales and stock registers. However, the petitioner submitted her explanation on 23.06.2015 giving the details of opening balance, closing balance etc. Since the charge relates to verification of the record, it does not warrant suspension of the authorization of the petitioner.

In the circumstances, the impugned order of suspension passed by the second respondent dated 17.07.2015, to the extent of suspending the authorization of the petitioner, is set aside, but the second respondent is given liberty to conduct the enquiry and pass appropriate orders in respect of the charge framed against the petitioner by giving due opportunity to 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, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

Date: 06.08.2015

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