

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.36666 of 2012

Dated 08.10.2015

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Between:

Smt.K.Venkata Lakshmi

... Petitioner

and

-

The Govt. of A.P.,
rep. by its Prl. Secretary,
Dept., of Civil Supplies
Hyderabad and 2 others

...Respondents

Counsel for the petitioner: Mr.Meher Kumar G.V.S.

Counsel for the respondents: AGP for Civil Supplies (AP)

The Court made the following:

Order :

Feeling aggrieved by the order of respondent No.2 in Rc.No.4423/2012-A.S.O, dated 05-11-2012, suspending his fair price shop authorization, the petitioner filed this Writ Petition.

From the undisputed facts, it is evident that on 20.07.2012, the petitioner's fair price shop authorisation was suspended on the ground that there was marginal variation between the stock register and the ground stock of PDS rice. In WP.No.27501 of 2012, filed by the petitioner against the said order, this Court *vide* Order, dated 04-09-2012, while referring to the act of suspension of the petitioner's fair price shop authorisation on trivial allegations by respondent No.2 as wholly arbitrary, directed him to complete the enquiry and pass a final order. Even before a final order was passed, a further inspection of the petitioner's fair price shop was made by the Assistant Supply Officer, Narsaraopet, on 26-08-2012 and his authorization was once again suspended. Indeed, in respect of the previous inspection, an order was passed on 04-10-2012, restoring the petitioner's authorization on imposition of some penalty. These facts clinchingly establish that respondent No.2 is after the petitioner by causing frequent inspections and passing suspension orders. Viewed in the background, in which the impugned order of suspension came to be passed, this Court has no hesitation to hold that the same might have been actuated by extraneous reasons rather than based on the real misconduct of the petitioner.

In this view of the matter, the impugned order of respondent No.2 in Rc.No.4423/2012-A.S.O, dated 05.11.2012, is set aside and respondent No.2 is directed not to proceed with further action against the petitioner.

Subject to the above direction, the Writ Petition is allowed.

As a sequel, WPMP.No.46550 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th October, 2015

LUR