

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.34025 of 2015

Between:

Maddula Lakshmi.

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Civil Supplies Department, A.P.Secretariat,
Hyderabad, and others.

....Respondents

JUDGMENT PRONOUNCED ON : 13.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34025 of 2015

ORDER:

The petitioner was appointed as a permanent fair price shop dealer of shop No.40, Chennampalli Village, Chapalamadugu Post, Pullalacheruvu Mandal in Prakasam District. The Food Inspector, Markapuram, Prakasam District, inspected the shop on 03.06.2015 along with his staff members and submitted a report to the third respondent. The third respondent issued a show cause notice after suspending the authorisation on 06.06.2015. Challenging the order of suspension, the petitioner approached this Court in W.P.No.17923 of 2015 and this Court set aside the order of suspension dated 06.06.2015 by order dated 19.06.2015 and directed the third respondent to conduct an enquiry. Since the petitioner filed an appeal against the order of suspension, the second respondent also passed an order on 27.07.2015 disposing of the appeal and remanding the matter to the third respondent to finalise the disciplinary proceedings as per the directions of this Court dated 19.06.2015. A show cause notice was issued on 11.08.2015 framing seven charges against the petitioner and the petitioner submitted a detailed explanation on 02.09.2015. After enquiring with the petitioner, the authorisation of the petitioner was cancelled by order dated 14.09.2015, challenging which the petitioner filed an appeal along with a stay application to the second respondent on 29.09.2015. When no orders were passed in the stay application, the present Writ Petition is filed.

This Court carefully perused the impugned order passed by the third respondent dated 14.09.2015. The third respondent, in his order, stated as

follows:

“To the said notice the dealer Smt.Maddula Lakshmi appeared before the Revenue Divisional Officer, Markapur on 09.09.2015. On asking her the explanation about 125 kgs of rice, she said that I was given 125 kgs of rice to the SC palem people freely in the occasion of First Ekadasi who are not having cards, she further accepted that shop board is there, but not there stock and price board in the shop, I have distributed the commodities to the 100 cardholders, but they said that I have not issued the same, this is invented due to political pressure and finally accepted that she distributed the commodities without obtaining their signatures.

Therefore, in these circumstances, the dealer Smt.Maddula Lakshmi accepted that she supplied the rice to the card less people, she did not place stock and sales board in the shop, made entries without taking thumb impressions. Hence, she violated Andhra Pradesh Public Distribution (Control) System, 2008 and violated the authorisation conditions, therefore, imposed fine of Rs.4000/- and cancelled the authorisation of Smt.Maddula Lakshmi, Fair Price Shop Dealer of Shop No.40 and the trade deposit is remitted to the government account.”

But, the learned Counsel for the petitioner submits that the petitioner never accepted the guilt nor admitted the allegations and the third respondent wrongly recorded the same in the order. This can be verified only by the appellate authority before whom the appeal was preferred by the petitioner on 29.09.2015.

In the circumstances, the second respondent is directed to consider the stay application of the petitioner filed on 29.09.2015 and pass appropriate orders thereon, within a period of one week from the date of receipt of a copy of this order. It is needless to mention that the second respondent shall consider the appeal and pass orders thereon after giving due opportunity to the petitioner and considering the contentions raised by the petitioner, within a period of three months from the date of receipt of a copy of this order separately.

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

(A.RAMALINGESWARA RAO, J)

13.10.2015

Note: Issue C.C in three days.

B/o.

vs

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