

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20362 of 2015

DATED 6th July, 2015

BETWEEN

P. Jayaramulu

....Petitioner

And

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Food and Consumer Affairs Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20362 of 2015.

ORDER:

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

It is the case of the petitioner that he is a resident of Simhadripuram village of YSR Kadapa District. He was appointed as Fair Price Shop Dealer for shop No. 15 of Simhadripuram Village in the year 2012 and his authorization is subsisting as on today. While so, a show cause notice was issued on 21.4.2015, to which the petitioner submitted his explanation. After considering the explanation, the order dated 18.5.2015 was passed suspending the dealership of the

petitioner pending enquiry. Challenging the said order, the present Writ Petition is filed.

It appears that for the irregularities committed by the petitioner, 6-A proceedings are initiated and the same are pending before the second respondent. The charges levelled against the petitioner in the said proceedings read as under:

“Charge No.1: That the respondent-1 failed to maintain the records of the F.P. Shop thereby violated Clause 22(viii) of A.P. Public distribution System (Control) Order, 2008.

Charge No.2: That the respondent is not maintaining true and correct accounts as there were variations of shortage of 6.735 Kgs of sugar and 0.0175 Kgs of PDS rice when compared the stocks of book balance to that of ground balance thereby violated condition 4(i) of authorization granted under APSPDS (Control) Order, 2008.

Charge No.3: That the respondent failed to maintain the records of the F.P. Shop properly, thereby violated condition 4(i) of the Authorization granted under A.P. Public Distribution System (Control) Order, 2008.

Charge No.4: That the respondent running the F.P. Shop at Door No.5/38, Simhadripuram village and Mandal instead of authorized Door No.7/69 thereby violated the conditions of the Authorization granted under A.P. Public Distribution System (Control) Order, 2008.

Charge No. 5: That the respondent is selling Essential Commodities at higher rates than the rates fixed by the Government thereby violated Condition 8 of the Authorization granted under A.P. State Public Distribution System (Control) Order, 2008.”

The present order is ultimately passed on the ground that the explanation submitted by the petitioner is not satisfactory and that the petitioner admitted the irregularities. However in the concluding portion of the order it is stated that suspension of authorization of the petitioner is made pending further enquiry. But a reading of the impugned order shows that the third respondent had already come to the conclusion with regard to the correctness or otherwise of the charges levelled against the petitioner. The third respondent ought not to have expressed his opinion finally when the enquiry is pending. However, this Court is not inclined to interfere with the enquiry process. Keeping in view the nature of charges levelled against the petitioner, the order of suspension dated 18.5.2015 is set aside. The third respondent is directed to complete the enquiry in accordance with law and pass final order thereon within a period of three months from the date of receipt of a copy of this order. It is needless to observe that so long as the authorization of the petitioner is subsisting and in force, he is entitled to release of the essential commodities.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 6th July, 2015.
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