

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

WRIT PETITION Nos.24104, 24992 and 25017 of 2015

Between:

R.Sreenivasa Reddy and others.

....Petitioners

and

The Joint Collector,
Kurnool District, Kurnool, A.P.,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 31.08.2015

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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 His Lordship wishes to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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COMMON ORDER:

These Writ Petitions were filed challenging the orders of suspension of authorization passed on different dates. This Court passed interim order of suspension while considering the Writ Petitions for admission. Learned Government Pleader filed counter affidavits and sought vacation of the interim order. These Writ Petitions are being taken up for final disposal with the consent of the learned Counsel for the petitioners as well as the learned Government Pleader for the respondents.

The petitioners are fair price shop dealers of Dhone Mandal in

Kurnool District. They were appointed on temporary basis. The authorization of the petitioners is valid up to 31.03.2016. While so, some cardholders made a complaint to the Lokayukta on the basis of which the Joint Collector issued instructions to the Deputy Tahsildars, Nandkotkur and Atmakur Mandals for verifying the allegations. During the process of verification it came to light that certain bogus cards were existing and the registers were not maintained properly during the period September, 2014, to March, 2015. When the Civil Supplies Deputy Tahsildar, Kurnool, submitted a report pursuant to the said verification, the second respondent passed the impugned orders of suspension of the dealership of the petitioners.

A perusal of the impugned orders shows that certain irregularities took place resulting in distribution of essential commodities to the non-eligible beneficiaries and also fudging the records. This happened due to non-maintenance of registers during the period September, 2014 to March, 2015. In those circumstances, the second respondent wanted to conduct the enquiry and suspended the authorization of the petitioners pending enquiry.

As is evident from the above facts and circumstances, the irregularities came to light pursuant to the complaint made by the cardholders to the Lokayukta. A dealer is supposed to maintain the records and submit the same every month to the concerned officers. The concerned officers would release next month stock only after verifying the record for the preceding month. That appears to have not taken place in the instant case and the negligence of the officers cannot be ruled out. There is no allegation with regard to the irregularities committed by the dealers as on the date of passing of the orders of suspension.

In the circumstances, balance of convenience requires that the impugned orders of suspension shall be suspended, but the second

respondent, who is the competent authority to conduct the enquiry, is directed to conduct the enquiry in respect of the lapses/irregularities committed by the dealers and give due opportunity to the petitioners before passing a final order in respect of the irregularities/allegations leveled against the petitioners. The said process shall be completed within a period of two months from the date of receipt of a copy of this order. It is needless to mention that the second respondent, while conducting the enquiry, if he finds any lapse on the part of the subordinates in verifying the records, he is at liberty to point out such lapses also to the District Collector for taking appropriate action against the officers responsible for such lapses. It is also open to the second respondent to issue notification for filling up of the vacancies on permanent basis, as all the petitioners are stated to be temporary dealers.

The Writ Petitions are, 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)

31.08.2015
vs