

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.12646 OF 2015

ORDER:

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

The petitioner is a fair price shop dealer appointed on permanent basis in H.Sondanapalli Village, Narpala Mandal, Anantapuramu District in the year 2011. On the basis of a letter addressed by the third respondent on 06.03.2015, the second respondent issued show cause notice on 10.03.2015 by framing charges against the petitioner. The petitioner submitted explanation on 19.03.2015 and after considering the said explanation, impugned order dated 10.04.2015 was passed by the second respondent. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that without giving a *prima facie* finding on the allegations, the second respondent has passed the order on the ground that explanation was not convincing.

I perused the impugned order and the impugned order is passed stating as below:

“Perused the explanation and also connected case records. The inspecting authority has inspected the F.P.Shop and noticed certain irregularities committed by the F.P.Shop dealer and the Tahsildar submitted report against the F.P.Shop dealer. Explanation is not convinced.

I felt that deterrent punishment is necessary to keep away the F.P. Shop dealer from the public distribution system to safeguard the interest of the poor cardholders and also for smooth functioning of Public Distribution System.

In view of the above, I hereby suspend the F.P.Shop authorization held by Sri B.Narayana Swamy, F.P. Shop dealer, F.P. Shop No.51 of H.Sodanapalli Village of Narpala Mandal.”

I noticed that this officer had passed several orders stating that he is not convinced with the explanation and the punishment is necessary to keep away the fair price shop dealer from the public distribution system in a stereo typed manner. The officer is supposed to apply his mind to the facts of each case and pass an order of suspension only when it is warranted.

In the circumstances, I deem it a fit case for suspending the order of the second respondent dated 10.04.2015 insofar as suspension of the authorization is concerned. Further, the second respondent shall continue the enquiry in the charges against the petitioner and pass a final order within a period of three (03) months from the date of receipt of the copy of the order.

The Writ Petition is accordingly, disposed of. No costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

03.06.2015

vhb