

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.9632 of 2015

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ORDER

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

2. The petitioner is a fair price shop dealer of Shop No.3 of Lavidam Village, Gurla Mandal, Vizianagaram District. While so, the Deputy Tahsildar conducted a public enquiry on 16.06.2013 and reported that the petitioner has committed the following irregularities;

“1.The F.P.Shop dealer has collected excess rates on Ammahastam Commodities than the prescribed Government rates from the card holders.

2. The F.P.shop dealer has not given rice to the death persons married and migrated persons.

3. The F.P.Shop dealer has lifted the stocks from the MLS points Cheepurupalli as per allotment but the stock has not been distributed to card holders till yet 16.06.2013. The dealer has stated that his mother's operation was done in the abdomens. Hence, distribution was delayed later distributed Government timings.

4.The F.P.Shop dealer has not affixed the stock board at the F.P.shop”.

Basing on the report of the Deputy Tahsildar, the third respondent framed appropriate charges. The petitioner submitted a detailed explanation and after considering the same, the third respondent passed final orders of cancellation of authorization of the petitioner on 19.12.2014. Challenging the same, the petitioner preferred an appeal before the second respondent. The second respondent narrated the facts of the case in his order dated 26.03.2015, and dismissed the appeal with the following observations;

“On perusal of the explanation submitted by the dealer it is revealed

that, being a responsible dealer he has collected excess rates as Ammahastham Commodities than the prescribed Government rates from the cardholders and not been distributed the commodities within a prescribed Government rates to the cardholders and the appellant has not given correct explanation to the charges during the Court. Hence, the explanation submitted by the F.P.Shop dealer is not convincing the charges”.

3. A perusal of the above order indicates that the second respondent has not applied his mind to the allegations made against the petitioner and has not given any finding with respect to the charges. It is needless to mention that the quasi judicial authorities have to give reasons in their orders. When four charges were leveled against the petitioner and the petitioner submitted his explanation, as an appellate authority, the second respondent ought to have considered the material available on record and given a finding with proper reasons. In the absence of reasons, this Court is inclined to set aside the order of the second respondent

dated 26.03.2015 and remand the matter to the second respondent for consideration of the case afresh on the basis of the material available on record after giving due opportunity to the petitioner and dispose of the same within a period of 30 days from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, allowed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWAR RAO, J

4th June, 2015

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