

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

* * * *

WRIT PETITION No.29856 of 2015

Between:

D.R.Krishna Reddy.

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Secretary,
Consumer Affairs, Food and Civil Supplies (CS.I) Department,
Secretariat, Secretariat Buildings, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 14.09.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29856 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.13, Bapaladoddi Village, Peddakaduburu Mandal, Kurnool District. While so, the Tahsildar submitted a report before the third respondent on 30.06.2015 making certain allegations. Based on the said report, a show cause notice was issued to the petitioner by the third respondent on 14.07.2015 framing six charges. The petitioner claims to have submitted

his explanation denying charges against him. Subsequently, the authorization of the petitioner was cancelled by the impugned proceedings dated 19.08.2015. Challenging the same, the present Writ Petition is filed.

The third respondent wanted to take the proceedings due to variation in the stock and also on other irregularities alleged to have been committed by the petitioner. When the petitioner submitted his explanation on 25.07.2015 denying the allegations, an independent enquiry ought to have been conducted by the third respondent. But, he passed an order on 19.08.2015, after extracting the charges and explanation, holding as follows:

“The report of the Tahsildar, Peddakadubur and the explanation of the dealer have been perused. On verification of the explanation of the dealer it clearly shows that he is maintaining the F.P. Shop regularly and not distributing ECs to the card holders properly. As seen from the acquaintances submitted by the dealer from the month of 6/15 the signatures for P.D.S. & K.Oil are obtained at a time the dealer has not noted any date for the distribution of the above commodities. It clearly shows that the dealer has fraudulently obtained the signature. Moreover the explanation submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S. Control Order, 2008, the F.P.Shop dealership/authorization held by the dealer is hereby cancelled with immediate effect.”

In the circumstances, the impugned order of cancellation of authorization of the petitioner passed by the third respondent dated 19.08.2015 is set aside, and the third respondent is directed to conduct an independent enquiry and pass appropriate orders in respect of the charges framed against the petitioner by giving due opportunity to him, and complete the same within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, 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

Date:14.09.2015
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