

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

WRIT PETITION No. 23927 of 2015

BETWEEN

Smt. Ch.Pushpalatha

...Petitioner

And

State of Telangana,

Rep. by its Ex Officio Secretary to Govt.,

Consumer Affairs, Food and Civil Supplies (CS.I)

Department, Secretariat, Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 31.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23927 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for shop No. 17 of Watpally Village, Alladurg Mandal, Medak district. While so, on a complaint of the villagers, the Tahsildar inspected the fair price shop of the petitioner and submitted a report on 4.4.2015. On the basis of the said report, a show cause notice was issued to the petitioner on 13.5.2015. The petitioner submitted her explanation on 1.6.2015. After receiving the explanation, the impugned order dated 23.6.2015 suspending the authorization of the petitioner was passed without indicating the period of suspension and whether the said suspension is the substantial punishment imposed against the petitioner or pending enquiry. Challenging the same, the present Writ Petition is filed.

The petitioner was issued with show cause notice dated 13.5.2015 fanning the charges as follows:

“1. That the dealer has contravened the Clauses- 17(b) of APSPDS (Control) Order 2008, while making fictitious entries in the distribution register & Clause -17 (c)-diverting of rice and sugar for self consumption with forgery signatures in the distribution register.

2. That the dealer has contravened the Clause-22(v) of APSPDS (Control)Order, 2008 not displaying the shop Board and Stock Board.

3. In view of contravention of the provisions of APSPDS Act, 2008, as to why the dealership and authorization should not be cancelled basing on the above irregularities committed by herself.”

The petitioner submitted her explanation in respect of the first charge, however, the second respondent did not express any opinion adversely in regard thereto. The second charge relates to non display of stock board. The third charge is not at all a charge. In the circumstances, the second respondent passed the impugned order observing as follows:

“The dealer has submitted her explanation vide reference 4th cited stating that she received less quantity of rice in the month of March, 2015 and did not be issued to the commodities above persons. Later she brought from the MLS point and distributed to them. The dealer has not submitted any explanation to other charges. The explanation offered by the dealer is not convincing and unsatisfactory and ultimately deemed to have been proved.

In view of contravention of the conditions of APSPDS Order 2008, the dealership and authorization of Smt. Ch.Pushpalatha, fair price shop dealer of Vatpally village is hereby suspended with immediate effect on the grounds of above lapses”.

The above order does not indicate whether the suspension imposed in the impugned order is a substantial punishment or pending enquiry. In view of the non recording of finding on the first charge, it is to be assumed that satisfactory explanation is offered by the petitioner. If there is any violation with regard to second charge, the petitioner should have been imposed some suitable penalty as it is alleged that the petitioner has contravened the Clause 22(v) of the APSPDS (Control) Order, 2008.

In the circumstances, the impugned order dated 23.06.2015 passed by the second respondent is set aside and the matter is remanded to the second respondent for imposing suitable penalty on the petitioner.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st JULY, 2015.

Msnr_x