

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NOS.16684 AND 6252 OF 2015

COMMON ORDER:

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

The petitioner was appointed as a Fair Price Shop Dealer of Shop No.35 of S.Mallapuram Village, Kundurpi Mandal, Anantapur District, on 22.10.2009.

While so, he applied for leave for four months and it expired by 01.01.2015. After expiry of leave, when he approached for allotment of commodities, the third respondent did not supply the commodities. Challenging the said action, the petitioner filed W.P.No.702 of 2015. This Court passed an order in the said Writ Petition to allot the stocks. Pursuant to the said order, the third respondent allotted stock in the month of February 2015 but issued a show cause notice and suspension order on 28.02.2015. Challenging the same, the petitioner filed W.P.No.6252 of 2015 and the order of suspension was suspended by this Court by order dated 12.03.2015. Again the third respondent issued order of suspension on 30.05.2015 with the following allegations.

- a. The F.P.Shop dealer has not displayed the name board of the F.P.Shop and list of prices of Ecs distributed in the F.P.Shop & Stock positions in the F.P.Shop. Thus the F.P.Shop dealer has contravened Cl.22 (v) of APSPDS (Control) Order, 2008.
- b. That the F.P.Shop dealer is not issuing PDS Rice on correct weightment to the ration card holders and deducting 2 Kgs Rice as per each card; that the F.P.Shop dealer is selling the Ecs at higher prices fixed by the Govt. Thus the F.P.Shop dealer has contravened Cl.22 (iv) of APSPDS (Control) Order, 2008
- c. That the F.P.Shop dealer is not maintaining the timings prescribed by the Govt. in the distribution of Ecs to the card holders and not maintaining specific days i.e. upto 15th of every month. Thus the F.P.Shop dealer has contravened Cl.22 (vi) & (vii) of APSPDS (Control) order, 2008.

A perusal of the above allegations indicate that they are trivial in nature and

did not warrant suspension of authorization. The allegations against the petitioner can be enquired into without suspending the authorization also. It appears that pursuant to the order of the third respondent dated 28.02.2015, the enquiry is not completed. Now a fresh suspension order is passed levelling the above allegations.

In the circumstances, this Writ Petition is disposed of giving liberty to the petitioner to submit his explanation within fifteen (15) days from the date of receipt of a copy of this order. The third respondent shall conduct an enquiry into the allegations against the petitioner and complete the same within a period of three (3) months thereafter. Till such time, suspension of authorization made by the third respondent be set aside. It is made clear that this will not prevent the third respondent from conducting an enquiry into the allegations against the petitioner pursuant to the show cause notice dated 28.02.2015 also.

In view of the above, W.P.No.6252 of 2015 shall also stand disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in both the Writ Petitions shall stand closed.

(A.RAMALINGESWARA RAO, J)

12th June 2015

Note: Issue CC by two days

B/O

RRB