

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

* * * *

WRIT PETITION No.24350 of 2015

Between:

Gandikota Subbamma.

....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: 05.08.2015

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.24350 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.58, Chennayapalem Village, Piduguralla Mandal, Guntur District. On the basis of certain allegations, a show cause notice was issued to the petitioner by the second respondent on 03.07.2015 alleging variation in quantity of Q.0.33 Kgs. of PDS rice and Q. 0.4½ Kgs. sugar (shortage) compared with the ground balance as well as stock

register. The petitioner submitted his explanation on 09.07.2015 and, after receipt of the explanation, the authorization of the petitioner was suspended on 22.07.2015. Challenging the same, the present Writ Petition is filed.

While so, the second respondent intended to take the proceedings due to variation in the stock and, accordingly, issued a show cause notice on 30.07.2015 and the petitioner submitted his explanation on 09.07.2015. The charge reads as follows:

“There is a variation of Q.0.33 kgs of PDS Rice and Q. 0.04 ½ Kgs. of sugar (shortage) when compared with Ground Balance and Sales and Stock Registers.”

There are no details with regard to the ground balance and sales and stock registers. However, the petitioner submitted his explanation on 09.07.2015 giving the details of opening balance, closing balance etc. Since the charge relates to verification of the record, it does not warrant suspension of the authorization of the petitioner.

In the circumstances, the impugned order of suspension passed by the second respondent dated 22.07.2015, to the extent of suspending the authorization of the petitioner, is set aside, but the second respondent is given liberty to conduct the enquiry and pass appropriate orders in respect of the charge framed against the petitioner by giving due opportunity to the petitioner, 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:05.08.2015

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