

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

* * * *

WRIT PETITION No.30043 of 2015

Between:

T.Bhavani @ T.Gangadevi.

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Civil Supplies Department,
Secretariat, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 15.09.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.30043 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.29 of Cheekatimanipalli Village, Tanakal Mandal in Anantapur District. The shop was inspected on 11.06.2015 and a quantity of 2 quintals of rice was found as variation. On the said basis, proceedings under Section 6A of the Essential Commodities Act were initiated and they are pending with the third respondent. The Tahsildar submitted a report on 11.06.2015, and a show cause notice was issued to the petitioner by the fourth respondent on 06.08.2015. The petitioner submitted her explanation on 25.08.2015. After considering the said explanation, the authorization of the petitioner was suspended by order dated 26.08.2015. Challenging the same, the present Writ Petition is filed.

The charges leveled against the petitioner relate to non-exhibition of stock & price board and variation in quantities. So far as the first charge is concerned, it is only a technical charge, which does not warrant suspension. With respect to the second charge also, though it was alleged that the petitioner was selling the commodities at a lesser quantity, only 2 quintals of rice was found to be shown as variation. The petitioner was given further time to submit her explanation either in person or through her Counsel and an order of suspension was passed on 26.08.2015. The names of the cardholders to whom commodities were sold at a lesser weight were not shown in the charge, in the absence of which, it is very difficult to conduct an enquiry also. In those circumstances only, the petitioner denied the allegation.

In view of the further opportunity given to the petitioner to submit her explanation and the nature of the charge, the fourth respondent ought not to have exercised the power of suspension at this stage, because the order of suspension would interfere with the normal activity of the petitioner and the cardholders. Taking the above facts into consideration, this Court is constrained to set aside the order of suspension passed by the fourth respondent on 26.08.2015, but giving liberty to the fourth respondent to conduct an enquiry by giving the details of the cardholders who received the lesser quantities and pass a final order thereon, 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)

15.09.2015

Note: Issue C.C in three days.

B/o.

vs

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