

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.21916 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.21, G.Mallapuram Village, Vidapanakal Mandal in Anantapur District. Based on the report of the fifth respondent, a show cause notice was issued to the petitioner on 25.10.2014. The petitioner submitted his explanation through his Advocate on 31.10.2014. After considering the explanation submitted by the petitioner, the impugned order dated 18.02.2015 was passed by the fourth respondent suspending the authorisation of the petitioner. Challenging the same, the present Writ Petition is filed.

A perusal of the show cause notice dated 25.10.2014 indicates that the charges framed against the petitioner were related to residing of the petitioner in another village, running the fair price shop by benami, distribution of essential commodities two or three days only in a month, less weighment, and the benami dealer having bogus cards. The petitioner submitted explanation stating that he is permanently residing in the village, benami never ran the shop and is only assisting him in distributing the commodities to the cardholders by lifting the stocks and measuring them, he never distributed the commodities in less weighment and he was not having any bogus cards. However, after further enquiry, the Tahsildar submitted another report, basing on which the fourth respondent found that there was *prima facie* evidence that the petitioner had contravened the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, and there were sufficient grounds for initiation of disciplinary action against the petitioner. Hence, the impugned order was passed on 18.02.2015.

In the circumstances, this Court is not inclined to interfere with the order passed by the fourth respondent at this stage. Since the petitioner

had already submitted his explanation, the fourth respondent is directed to complete the enquiry and pass final order by observing principles of natural justice, within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

15.07.2015

vs