

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

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WRIT PETITION No.23884 OF 2015

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Between:

T.Vijay Kumar.

.. Petitioner

And

The State of Telangana,

Rep. by its Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil
Supplies Dept, Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23884 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a regular fair price shop dealer of shop No.10, Medikunda Village, Regode Mandal, Medak District. It appears that, on the basis of the complaints received against the petitioner, a show cause notice was issued on 12.03.2015, and he submitted his explanation. After receiving the explanation, the authorization of the petitioner was cancelled by the second respondent on 07.07.2015. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that, after receiving explanation, a report was called for from the third respondent and, based on the report, without conducting any enquiry, the impugned order of cancellation was passed.

The allegations relate to the petitioner working as sub-station operator and distribution of commodities to the cardholders who died. The explanation of the petitioner is that, though the head of the family expired, he distributed the commodities to the other family members and he was working as a temporary substation operator. The explanation furnished by the petitioner to the charges levelled against him should have been enquired into in the light of the

provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 by the second respondent himself instead the second respondent delegated his power to the third respondent and, after receiving a report from the third respondent, cancelled the authorization.

This procedure cannot be appreciated by this Court when the second respondent is the competent authority to take action on the basis of the enquiry to be conducted by him. In the circumstances, the impugned order dated 07.07.2015, passed by the second respondent, cancelling the authorization of the petitioner is set aside. However, the second respondent is given liberty to conduct an enquiry into the allegations leveled against the petitioner, in the light of the explanation given by him, and complete the same, within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:31.07.2015

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