

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.14443 of 2015

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ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was appointed as a fair price shop dealer of shop No.39 of Nakkalavandlapalli, Hamlet of Nooliveedu Village, Galiveedu Mandal, Y.S.R.District. While so, the fourth respondent inspected the fair price shop of the petitioner on 13.03.2015 and submitted a report on 17.03.2015 to the second respondent. Based on the said report, the third respondent issued a show cause notice on 05.04.2015 framing four charges against the petitioner. The petitioner submitted her explanation to the said charges. After receiving the explanation, the impugned order was passed by the third respondent on 20.04.2015 keeping the authorisation of the petitioner under suspension.

I have perused the order dated 20.04.2015. The first charge relates to minor variation of essential commodities, the second charge relates to distribution of sugar at a price other than the price notified, the third charge relates to distribution of less quantity of PDS rice and the fourth charge relates to distribution of essential commodities at the place other than the one mentioned in the authorisation. The impugned order was ultimately passed holding as follows:

“The explanation offered by the F.P.Shop dealer is not at all convincing and acceptable. Her explanation is not supposed by any relevant document. She has simply condemned all the allegations levelled against her without giving any valid reasons. She has stated that she is running F.P.Shop at Avulareddygaripalli instead of authorized village Nakkalavandlapalli and this is the grave irregularity on her part. She is running F.P.Shop at her whims and fancies.

As per Andhra Pradesh State Public Distribution System (Control) Order 2008 Para 24(i) minor variation in respect of single commodity upto 1.5% may be allowed taking into consideration of transactions of one month, as per Andhra Pradesh State Public Distribution System (Control) Order 2008 Para 17 (c) "if any fair price shop dealer/nominated retailer/hawker diverts stock either wholly or partly, he/she shall be liable to pay as penalty three times the difference between the market rate and Public Distribution System rate of the commodity thus diverted, besides cancellation of authorisation given by the Revenue Divisional Officer as the case may be", and in terms of Para 8 of A.P.S.P.D.S. (Control) Order, 2008 Clause 5(8) the holder of this authorisation shall sell commodities to the cardholders at the prices prescribed and supply such quantities of the commodities as may be directed by the Appointing Authority/Collector/Chief Rationing Officer/Assistant Supply Officer or the Tahsildar or the Revenue Divisional Officer of the concerned.

Therefore the F.P.Shop authorisation of Smt.P.Eswaramma, F.P.Shop dealer, shop No.39 of Nakkalavandlapalli H/o Noolivedu Village of Galiveedu Mandal is hereby suspended as she has violated the above control order.

The Tahsildar, Galiveedu Mandal is directed to make alternate arrangements to the neighbouring F.P.Shop dealer on incharge basis for distribution of Essential Commodities to the cardholders without any interruption."

A perusal of the above order clearly shows that the third respondent has not considered the explanation in proper perspective.

In the facts and circumstances of the case, this Court is not satisfied with the reasons mentioned in the order of suspension of authorisation. The impugned order, to the extent of suspension of authorisation, is set aside, giving liberty to the third respondent to conduct enquiry in accordance with law in respect of the charges levelled against 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 disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.06.2015

Note: Issue C.C in one week.

B/o.

vs

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