

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32793 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as fair price shop dealer of shop No.20 of Laxmipally Village of Weepanagandla Mandal in Mahabubnagar District. The authorization of the petitioner was initially suspended and it was followed by a show cause notice dated 17.08.2015. The petitioner submitted his explanation on 11.09.2015. Not satisfied with the said explanation, the second respondent-Revenue Divisional Officer, Wanaparthi cancelled the authorization of the petitioner, by his order dated 23.09.2015. Challenging the same, the present writ petition is filed.

A perusal of the impugned order shows that the allegations relate to variation in quantity and not maintaining the records properly. Though the petitioner submitted his explanation denying the charges, no enquiry was conducted and the impugned order was passed by holding as follows:

“the explanation furnished by the F.P. Shop dealer and material available on record has been examined and it is confirmed that the F.P. Shop dealer not maintained stock and issue registers and not shown closing balance of ECs end of month. The Explanation submitted is not convincing. Hence, the charge is proved.”

In view of the above, when the petitioner denied the charges, it is incumbent upon the second respondent to conduct an enquiry in respect of the charges levelled against the petitioner and pass a reasoned order by giving due opportunity to the petitioner.

In the circumstances, the impugned order dated 23.09.2015 is set aside and the matter is remanded to the second respondent for conducting an enquiry and for passing final orders thereon within a period of three months from the date of receipt of a copy of this order. In view of setting aside of the impugned order, it is needless to observe that the petitioner shall be continued as fair price shop dealer till passing of final orders.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

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