

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.14158 of 2015

ORDER

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

2. As per the affidavit filed by the petitioner, he was appointed as permanent fair price shop dealer of Kattakinda Palli Village, Pamidi Mandal, Anantapur District, and his authorization was suspended while proceedings dated 19.08.2014. Challenging the same, the petitioner filed W.P.No.40079 of 2014. The 3rd respondent, after receipt of the notice in the said writ petition, *suo motu* restored the authorization of the petitioner. Another show cause notice was issued on 24.03.2015, to which the petitioner submitted his explanation on 13.04.2015. Now, the 3rd respondent passed the impugned order on 20.04.2015, without giving a finding on each charge, with the following observations,;

“ I felt that deterrent punishment is necessary to keep away the FP shop dealer from the public distribution system to safe guard the interest of the poor cardholders and also for smooth functioning of Public Distribution System.

In view of the above, the FP Shop dealership held by Sri M. Sreenivasulu, F.P.Shop dealer, F.P.shop No.32 of Kattakindapalli Village, Pamidi Mandal, hereby suspended pending enquiry for passing final orders.

The Tahsildar, Pamidi is requested to make alternative arrangements by keeping adjacent dealer for distribution of ECs without causing inconvenience to the cardholders and report compliance.

An appeal against this order lies before the Joint Collector, Ananthapuramu within 30 days from the date of receipt of this order as per Clause 20(2) of APSPDS Control Order, 2008”.

3. In the circumstances, the impugned order dated 20.04.2015 passed by the 3rd respondent is set aside and the Writ Petition is allowed. However, the third

respondent can pass a fresh final order after considering the explanation submitted by the petitioner to the show cause notice dated 24.03.2015 by following the principles of natural justice.

4. The Writ Petition is, accordingly, allowed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWAR RAO, J

1st June, 2015

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