

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.15191 of 2015

ORDER:

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

The petitioner is a fair price shop dealer of shop No.64 of Nellore Town and his authorization is valid up to 31.03.2016. It is the case of the petitioner that the Government of Andhra Pradesh introduced E-POS biometric machine process for distribution of essential commodities to the card holders in the first week of May, 2015. The dealers are not well versed with the operation of the said system. When the dealer found some defects on 03.05.2015, the machine was repaired. When the dealer was away from the shop, it appears that the Deputy Tahsildar (CS), Nellore, came to the shop and recorded his absence and submitted a report to the third respondent. The third respondent issued a show cause notice – cum – suspension order on 06.05.2015 framing four charges against the petitioner with regard to the operation of the E-POS machine only, and the dealer submitted his explanation on 11.05.2015. This Writ Petition was filed challenging the powers of suspension in a case like this.

I have perused the substance of the charges and they all relate to the non-utilization of E-POS machine on 06.05.2015 when the shop was inspected by the Deputy Tahsildar (CS), Nellore. Admittedly, E-POS machine system was introduced in the first week of May, 2015, in Nellore District, and the machine gave some problems. The suspension of dealership of the petitioner on the ground that the dealer could not utilize the machine properly on the date of inspection is too harsh in the facts and circumstances of the case. However, it is fairly submitted by the learned Counsel for the petitioner that the third respondent can enquire into the charges and pass a final order in view of submission of explanation by the petitioner on 11.05.2015.

In the facts and circumstances of the case, I am of the opinion that the charges do not warrant suspension of the dealership, as it does not involve any grave irregularity. In view of the same, this Writ Petition is disposed of directing the third respondent to consider the explanation of the petitioner, conduct an enquiry by observing principles of natural justice and pass appropriate orders within a period of sixty days from the date of receipt of a copy of this order. The third respondent shall allow the dealer/petitioner to discharge the functions of the dealer of shop No.64 of Nellore Town, pending the enquiry, in the peculiar facts and circumstances of the case.

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)

02.06.2015

Note: Issue C.C in two days.

B/o.

vs

-