

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.15539, 15547 and 15554 of 2015

COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for respondents.

All these three cases are being disposed of at the admission stage with the consent of the parties. In these three cases, the petitioners are dealers and they challenged the order of suspension passed against them on 22.05.2015. The allegation in all the three cases is that there is a difference in the quantity of rice and apart from it there is also a difference in the quantity of sugar in W.P.No.15554 of 2015. In all the three cases, the petitioners submitted an explanation pursuant to the show-cause notice issued by the 3rd respondent and an identical order was passed in all the three cases, the relevant portion of which reads as follows :-

“Further the Deputy Tahsildar, Gurazala requested to take necessary action in the interest of effective implementation of public distribution system of essential commodities and particularly after introduction of sale of Rs.1.00 per kg. to card holders, it is felt that there is imperative need to take disciplinary action against the erred F.P. Shop dealer.

In this regard a show cause notice was issued to the said dealer through reference 2nd read above to offer his explanation against the 6A case. Delinquently the said dealer submitted his explanation through reference 3rd read above which is not satisfactory.

It is clearly presumed that the Fair Price Shop Dealer intentionally diverting the stock into black market for his personal gain with fabricated the signatures in the sales register which shows criminal intention of the dealer which contrary to EC Act. Hence, the authorization of Sri T.Amba Rao, S/o Kondalu F.P. shop dealer, shop No.24 of Adigoppula Village of Durgi Mandal is hereby tentatively suspended until further orders, pending detailed further enquiry in this matter. The Tahsildar, Durgi is requested to make alternative arrangements to the said shop and release the essential commodities to the card holders immediately and report compliance.”

This Court perused the impugned order and notice that the allegations mentioned against the petitioners relate to variation of stocks which can be verified based on the record. Further the petitioners submitted detailed explanation denying

the variation or admitting the variation to a permissible limit. The enquiry is yet to be conducted. At this stage, in the facts and circumstances of the cases, it is not necessary to suspend the authorization of the petitioners. As the allegation relates to variation in the quantity, the said allegation can be enquired into on the basis of the material available. Section 6A proceedings, which are pending against the petitioners, are different and the same can go on, but the authorization of the petitioners cannot be suspended simply saying that the explanation submitted by them is not satisfactory.

In the circumstances, the order of suspension of authorization passed by the 3rd respondent, in these cases, is set aside and the 3rd respondent is given liberty to complete the enquiry against the petitioners within a period of three months from the date of receipt of a copy of this order and the petitioners shall co-operate in the enquiry.

The Writ Petitions are disposed of accordingly. No costs.

The Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

A.RAMALINGESWARA RAO, J

Date : 04.06.2015

ssp

