

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 12466 of 2015

ORDER:

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

2. The petitioner is a Fair Price Shop Dealer of Shop No.35 of Utakallu Village, Gooty Mandal, Anantapuram District. His authorization is renewed from time to time and valid up to 31.03.2016. While so, the 2nd respondent issued a show cause notice in July, 2014 alleging variation of stocks in the shop of the petitioner. Challenging the same, the petitioner filed W.P.No.25744 of 2014 and the same was disposed of with a direction to the 2nd respondent to dispose of the appeal filed by the petitioner against the order of suspension and while disposing of the said writ petition, the suspension order was stayed. Thereafter, the 3rd respondent cancelled the authorization by an order dated 20.10.2014 holding that the explanation was not convincing. The petitioner again approached this Court by filing W.P.No.33525 of 2014 and the proceedings of the 3rd respondent dated 20.10.2014 were suspended by an order dated 10.11.2014 on the ground that the variations are within the permissible limits. Later on, the 3rd respondent himself withdrew the proceedings of cancellation of the authorization of the petitioner. Again the petitioner was issued with a show cause notice on 24.03.2015 framing eight charges. Thereafter, the petitioner submitted his explanation on 04.04.2015 and on the same day, the 3rd respondent passed an order, by extracting the explanation to the charges, holding as follows:

"Perused the explanation and also connected case records. The inspecting authority has inspected the FP Shop and noticed certain irregularities committed by the FP Shop Dealer and the Tahsildar submitted report against the FP Shop Dealer. Explanation is not convinced.

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

In view of the above, I hereby suspend the FP Shop Dealership held by Sri S.Nagi Reddy, FP Shop Dealer, FP Shop No.35 of Utakallu Village, Gooty Mandal.”

3. I have seen several orders passed by the 3rd respondent in several cases and in all the cases, stereo typed observations are made as extracted above. In the facts and circumstances of the case, this Court is not satisfied with the order passed by the 3rd respondent on 04.04.2015, as it did not disclose the reasons for the 3rd respondent not being convinced with the explanation offered by the petitioner. In the circumstances, the order of suspension passed by the 3rd respondent on 04.04.2015 is suspended to that extent, but liberty is given to the 3rd respondent to go ahead with the enquiry into the allegations made against the petitioner and complete the same after following the principles of natural justice and pass appropriate orders within a period of three months from the date of receipt of a copy of the order.

4. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

8th June, 2015

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