

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.20421 OF 2015

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Between:

L.Narasimha Reddy

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary, Consumer Affairs, Food and Civil
Supplies Department, Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 24-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.20421 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer on permanent basis of shop No.8, Brahmanapalli Village, Puttaparthi Mandal, Anantapur District. Based on the report of the third respondent dated 21.01.2015, a show cause notice was issued to the petitioner framing four specific charges. The petitioner submitted his explanation on 19.02.2015. Challenging the order of suspension, the petitioner filed W.P.No.4191 of 2015. By order dated 25.02.2015, this Court directed the second respondent to complete the enquiry, and pass final orders, within a period of six weeks. Thereafter, the petitioner submitted a detailed explanation on 03.06.2015. On the same day, an order of cancellation of authorization was passed. Questioning the same, the present Writ Petition is filed.

Learned counsel for the petitioner vehemently argued that no enquiry was conducted by the second respondent and, without conducting any enquiry, the impugned order was passed.

This Court carefully perused the impugned order and noted that four specific charges were levelled against the petitioner. Though the petitioner submitted explanation, the finding in respect of each charge is same. It reads as follows:

“The explanation of the F.P.Shop dealer is not convincing and he admitted himself that the seeding was implemented to eradicate bogus and double entries. The quantity of essential commodities of eradicated bogus cards and double entry units was not reported or recorded every month and

misused such quantity in large scale. He failed to maintain the records and utilized the stocks for his personal gain silently every month in contravention of clause 17(6) of A.P.P.S.C. (Control) Order, 2008. The charge held proved.”

While stating so, the second respondent reproduced the substance of the charge. In view of the detailed explanation, submitted by the petitioner’s counsel, an enquiry ought to have been conducted by the second respondent. While the date of submission of explanation was mentioned in the impugned order as 03.06.2015, the impugned order was passed on the same day cancelling the authorization.

In the circumstances, this Court is satisfied that no enquiry was conducted. Hence, the impugned order dated 03.06.2015, passed by the second respondent, is set aside. The second respondent is directed to complete the enquiry, after considering the explanation of the petitioner, and giving due opportunity to him, and pass final orders, within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:24.07.2015
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