

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.20815 of 2015

ORDER:

Heard.

The petitioner was appointed as a Fair Price Shop Dealer of Shop No.23 of Theerdhampadu Village, Dakkili Mandal, SPSR Nellore District, in the year 1971. While so, on the alleged report of the 4th respondent, dated 14-05-2015, the 3rd respondent issued a show-cause notice-cum-suspension order on 29-06-2015. Challenging the same, the present writ petition is filed.

This Court perused the impugned show-cause notice-cum-suspension order, which contains the following charges:-

“Charge 1:- That he as a fair price shop dealer should follow any instruction or direction or order of the competent authorities / Government but he ad-hear the instructions and not distributed the Ecs to the cardholders in time prescribed by the Government and thus contravened the instructions and thus violated clause 2(4) of Annexure to Andhra Pradesh State Public Distribution System (Control) Order 2008 read with condition 14 of the Authorisation.

Charge 2:- That he has a fair price shop dealer should reside in the village and distribute essential commodities by himself but he failed to residing in the village and residing at Nellore along with his family and thus caused inconvenience to the cardholders as well as Government and thus violated clause 2(4) of Annexure to Andhra Pradesh State Public Distribution System (Control) Order 2008 read with condition 14 of the Authorisation.

Charge 3:- That he as a fair price shop dealer should display stock cum price list board at a conspicuous place in the business premises showing the cards position in the fair price shop, timings of the opening and closing of the fair price shop, stocks received, opening and closing stocks of essential commodities and other relative information but he failed to display the stock cum price list board and name board at his fair price Shop and thus violated clause 22 (IV) and (v) (VI) of Andhra Pradesh State Public Distribution System (Control) Order 2008.

Charge 4:- That he as a fair price shop dealer should run the fair price shop by himself only but he failed to run the fair price shop by himself and handed over the fair price shop to a benami person and thus violated clause 2(I) of Annexure to Andhra Pradesh State Public Distribution System (Control) Order, 2008.

Charge 5:- That he as a fair price shop dealer shall maintain registers/records that may be prescribed from time to time by the competent authorities, but he failed to so made many corrections in

stock cum sales register and thus violated condition 4(i) of authorization issued under Andhra Pradesh State Public Distribution System (Control) Order 2008.

Charge 6:- That he as a fair price shop dealer should provide facilities to the inspecting authorities at the time of inspection but he failed to cooperate with the Inspecting authorities, moreover he used filthy language among them and thus violated the clause 2(4) of Annexure to Andhra Pradesh State Public Distribution System (Control) Order 2008 read with condition 14 of the Authorisation.”

A perusal of the above charges shows that there are no allegations against the petitioner that he is not distributing the essential commodities or there was any variation in stock. There was no complaint from the cardholders also.

In the circumstances, this court feels that the charges, though numbered six are trivial in nature, do not warrant suspension of the dealership of the petitioner.

In view of the same, the impugned order to the extent of suspending the dealership of the petitioner is set aside and the liberty is given to the 3rd respondent to conduct enquiry in respect of the above allegations and complete the same within a period of 90 days from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed to the extent indicated above.
No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 08-07-2015

Note:

Issue C.C. in one week

(B/o)

Prv

