

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 27110 of 2015

ORDER:

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

The petitioner is a permanent Fair Price Shop Dealer for Shop No.1 of Gooty Town & Mandal, Ananthapur District. The fair price shop of the petitioner was inspected on 29.7.2015 by the Vigilance and Enforcement officials and on the basis of the report filed thereon, 6-A proceedings were initiated and the same are pending consideration before the second respondent. Thereafter, the Tahsildar, Gooty submitted a report on 31.7.2015, based on which, the third respondent issued a show cause notice cum suspension of authorization on 5.8.2015. The petitioner submitted his explanation on 18.8.2015 through his Counsel. In the objection petition filed before the second respondent, the petitioner stated that his signatures were forcibly obtained on white papers as if confessing the irregularities alleged against him. Challenging the order of suspension dated 5.8.2015, the present Writ Petition is filed.

This Court perused the charges levelled against the petitioner. There are as many as four charges levelled against the petitioner. Charges 1 and 2 relate to storing of the commodities at a different place not authorized by the Civil Supplies Department. Charge No. 3 relates to non maintenance of stock register and sales register. Charge No.4 relates to variation in the stock which shows that there was no variation in the PDS rice whereas there was variation in respect of

kerosene oil of 6 liters. The explanation of the petitioner is that for the past several years he has been distributing the commodities at a place where the stock was found. He also alleged that his signatures were forcibly obtained on white papers. He is aged about 83 years. He has been the Fair Price Shop Dealer for the last four decades. Since the charges are relating to availability of commodities at a different place not authorized by the respondent authorities and non-maintenance of stock and sales registers, this Court is of the considered opinion that the power of suspension is not properly exercised by the respondent authorities having regard to the facts and circumstances of the case on hand. In that view of the matter, the order of suspension dated 5.8.2015 passed by the third respondent is set aside. However, as the petitioner has already submitted his explanation on 18.8.2015, the third respondent is directed to complete the enquiry in respect of the allegations levelled against the petitioner by giving due opportunity to him and pass final order thereon within a period of three from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 26th August, 2015.

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