

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.28482 OF 2015

ORDER:

The petitioner was appointed as Fair Price Shop Dealer of Kothapet village, Shivampet Mandal, Medak District and the authorization of the petitioner was valid up to 31-03-2016. While so, on the report of the Tahsildar, dated 27-05-2015, the authorization of the petitioner was suspended on 23-06-2015 and a show cause notice was also issued on the same day. Challenging the suspension of authorization, the present writ petition is filed.

2. The allegations levelled against the petitioner are as follows:

1. That the dealer has contravened the Clauses 7 (i), 17(b),17(c),18(b) and 22 (viii) of APS,.PDS (Control) Order, 2008, making fictitious entries and diversion of stock to block market and not maintained correct account.
2. That the dealer has contravened the condition (4) (i) & (ii) and condition 8,9 and 12 of the authorization in maintaining the distribution/stock register.
3. That the dealer has contravened the provisions of EC Act, 1955 while selling the PDS Rice of (08) bags i.e., 40 Qtls in block market through Chervirala Narsimulu.
4. In view of contravention of the provisions of APSPDS Act, 2008 and EC Act, 1955, as to why the dealership and authorization should not be cancelled basing on the above irregularities committed by him and why the cost of 4.0 Qtls of rice should not be collected on prevailing market value.

3. Learned counsel for the petitioner submits that the impugned order of suspension does not indicate any variations and though the petitioner has submitted his explanation on

15-07-2015, no enquiry was conducted by the 2nd respondent. In view of pendency of enquiry before the 2nd respondent in respect of allegations levelled against the petitioner, this Court is not inclined to go into the merits of the case at this stage.

4. Accordingly, the writ petition is disposed of directing the 2nd respondent to conduct enquiry in accordance with law by giving due opportunity to the petitioner and pass final orders thereon within a period of 30 days from the date of receipt of a copy of this order. No order as

to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 03-09-2015

Hsd