

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23419 of 2015

Between:

Smt. G. Nagalakshmi

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Civil Supplies Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The petitioner was appointed as Fair Price Shop Dealer for Shop No.7, of Pedda Nellatur Village, Gonegandla Mandal, Kurnool District, by the 3rd respondent vide authorisation dated 31.03.2012, on permanent basis. Earlier, when the 3rd respondent cancelled her authorisation the petitioner filed W.P.No.17796 of 2015, and this Court vide order dated 30.06.2015 disposed of the said writ petition by directing the respondents to supply stocks so long as the authorisation of the petitioner is in force. Accordingly the 3rd respondent directed the 4th respondent to implement the order of this Court. It appears, the Deputy Tahsildar (Civil Supplies) submitted a report on 22.06.2015 and basing on which the 3rd respondent issued a show cause notice to the petitioner on 25.06.2015. The petitioner submitted her explanation on 6.07.2015. After considering the explanation, the impugned order dated 14.07.2015 was passed cancelling the authorisation of the petitioner. Challenging the same, the present writ petition is filed.

The charges levelled against the petitioner read as under:

- 1) That the dealer has not exhibited stock-cum-price list board.
- 2) That the dealer is not distributing ECs through Electronic Weighting Machine.
- 3) That 1.00 qtls. of rice has been found variation and seized the same from the F.P. shop of the dealer.

The relevant portion of the order passed by the 3rd respondent reads as under:

“The report of the Deputy Tahsildar (Civil Supplies), Yemmiganur and the explanation of the dealer have been perused. On verification of the explanation of the dealer, it clearly shows that she is not maintaining the F.P. Shop regularly and not

distributing essential commodities to the card holders properly. More over the explanation submitted by the dealer is not convincing. As the dealer has contravened / violated the condition of A.P.P.D.S Control Order 2008, the F.P. Shop dealership / authorisation held by the dealer is hereby cancelled with immediate effect.”

As can be seen from the charges framed in the order dated 14.07.2015, charge Nos.1 and 2 are minor irregularities and charge No.3 relates to variation of one quintal of rice, which comes within the permissible variation of 1.5%. In the circumstances the 3rd respondent ought not to have passed the order cancelling the authorisation of the petitioner.

In view of the same, the order passed by the 3rd respondent dated 14.07.2015 is set aside and the matter is remanded to the 3rd respondent for imposing appropriate penalty for the minor irregularities, as per the provisions of the Control Order 2008.

The writ petition is allowed to the extent indicated above. Miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

29th July, 2015
Js.