

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32114 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as fair price shop dealer of shop No.28 of Ambativanipeta Village, Gara Mandal, Srikakulam District. As on today, the authorization of the petitioner is in subsistence. While so, the shop of the petitioner was inspected by the Deputy Tahsildar (Civil Supplies), Srikakulam on 27.07.2014 and noticed that there are minor variations in the stock. The entire stock was seized and a case under Section 6-A of the Essential Commodities Act was initiated. Later, the third respondent-Revenue Divisional Officer, Srikakulam issued a show cause notice to the petitioner on 29.10.2014 and the petitioner submitted his explanation on 13.11.2014. The petitioner filed Writ Petition No.33565 of 2014 when the stock was not supplied to him and it was disposed of on 10.11.2014 directing the respondents 3 & 4 to continue the petitioner as fair price shop dealer and allot essential commodities for distribution, so long as the authorization of the petitioner remains in force.

It appears that the third respondent directed the fourth respondent-Tahsildar, Gara Mandal, to conduct an enquiry in respect of the allegations levelled against the petitioner and the fourth respondent appears to have submitted a report on 20.04.2014. On the basis of the said report, the third respondent issued another show cause notice to the petitioner on 25.04.2015 and the petitioner submitted his explanation on 13.05.2015. Without conducting any enquiry, the third respondent passed an order on 21.05.2015 cancelling the authorization of the petitioner. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner submits that a perusal of the allegations levelled against the petitioner show that there was some variation in the stock, but it is within the permissible limits. He also submits that the third respondent ought not to have cancelled the authorization of the petitioner without conducting any enquiry. Though this Court in normal circumstances remands the matter to the Revenue Divisional Officer for conducting enquiry in respect of the allegations levelled against the petitioner, but after perusing the difference in quantities of the seized stock, this Court came to a conclusion that the variation is minor in nature and it should not warrant any enquiry. Since the order dated 21.05.2015 was passed by the third respondent, the matter is remanded to the third respondent for imposing a minor punishment as the allegations levelled against the petitioner are minor in nature, which are coming under Clause 24 of the Andhra Pradesh Public Distribution System (Control) Order, 2008. Therefore, the order dated 21.05.2015 passed by the third respondent is set aside.

Accordingly, the writ petition is allowed to the extent indicated above. In view of allowing of the writ petition by setting aside the order dated 21.05.2015, the petitioner shall be continued as fair price shop dealer. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand cancelled.

A. RAMALINGESWARA RAO, J.

Date: 01.10.2015

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