

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30120 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.31 of V.Kopperapadu Village, Ballikurva Mandal, Prakasam District. The Food Inspector inspected the shop of the petitioner on 16.04.2015, and based on his report, 6-A proceedings were initiated and they are pending before the second respondent. While so, the third respondent issued a show cause notice showing the variation of quantity in PDS rice and sugar and some other minor irregularities, by proceedings dated 30.04.2015. The petitioner submitted his explanation on 08.06.2015, and after receipt of the same, the third respondent issued proceedings dated 13.08.2015 cancelling the authorization of the petitioner. Challenging the same, the present writ petition is filed.

3. A perusal of the impugned order shows that the show cause notice was issued in respect of variation in stocks and the following minor irregularities.

“1. That the F.P. Shop dealer has failed to maintain accounts properly.

2. That the F.P. shop dealer has failed to display the prices-cum-stock board in the premises of the F.P. shop.

3. That the F.P. Shop dealer distributing ECs without making entries in the sales register and also obtaining signatures of the card holder.

4. That the F.P. Shop dealer intended to divert the PDS Rice 1.43 Qts into black market for his pecuniary gains.”

4. The variation relates to less quantity of an extent of 1.43 quintals of PDS rice and 8 kgs., of sugar. The other allegations mentioned above are only minor allegations which do not warrant suspension.

5. In the circumstances, the order of suspension passed by the third respondent dated 13.08.2015 is set aside and the third respondent is directed to conduct an enquiry in respect of the allegations leveled against the petitioner and complete the same, within a period of three months from the date of receipt of a copy of this order, by giving due opportunity to the petitioner.

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

A.RAMALINGESWARA RAO, J

Date: 16.09.2015

TJMR