

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.18401 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer of Shop No.10, Bollavaram village, Muppalla Mandal, Guntur District. The authorization of the petitioner is valid till 31.03.2016. While so, the petitioner received essential commodities for the month of October, 2014. But on 10.10.2014 on a complaint made by some one, the 4th respondent and other officials inspected the shop of the petitioner, seized the available stock and 6-A proceedings were initiated. However, when the respondents did not allot the commodities to the petitioner's fair price shop, Writ Petition No.38491 of 2014 was filed and the said writ petition is pending. The 2nd respondent issued a show cause notice to the petitioner on 18.12.2014 levelling six charges and the petitioner submitted his explanation on 20.12.2014. After considering the explanation of the petitioner dated 20.12.2014, an order was passed on 20.12.2014 holding that though the charges are held proved, taking a lenient view, a penalty of Rs.1,000/- was imposed on the dealer. Thereafter, the petitioner was continuing the dealership. While so, the 2nd respondent passed the impugned order on 09.06.2015 cancelling the authorization of the petitioner, on the basis of the earlier report of the Tahasildar dated 10.10.2014 and the explanation of the petitioner dated 20.12.2014. Challenging the said order, the present writ petition is filed.

This Court compared the impugned order dated 09.06.2015 with the order dated 20.12.2014 and noticed that the basis for the order

dated 20.12.2014 and the impugned order is same. The explanation of the dealer was submitted on 20.12.2014 and the same was considered while passing the order on 20.12.2014 and a fine of Rs.1,000/- was imposed. While passing the present order of cancellation on 09.06.2015, no show cause notice was issued to the petitioner or any enquiry was conducted. When the earlier allegations culminated in the imposition of fine of Rs.1,000/-, this Court is not in a position to understand or appreciate the action of the 2nd respondent in passing the impugned order on 09.06.2015 on the self-same charges. It is needless to mention that the 2nd respondent cannot act as he pleases. When he passed an order on 20.12.2014 imposing a fine of Rs.1,000/-, what prompted the 2nd respondent to pass the impugned order on 09.06.2015 is not known.

In the circumstances, the impugned order dated 09.06.2015 is set aside and the writ petition is allowed. However, the District Collector, Guntur, is directed to call for the file in respect of the orders passed by the 2nd respondent on 20.12.2014 and 09.06.2015 and if he finds any lapses in discharging of his duties, the District Collector shall take necessary departmental action against the 2nd respondent. There shall be no order as to costs. As a sequel, the miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 23.06.2015

siva