

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23534 of 2015

Between:

Sunkari Ramu

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.18, of Palavalasa Village, Gurla Mandal, Vizianagaram District. While so, on the report submitted by the Deputy Tahsildar (Civil Supplies), Nellimarla alleging that the petitioner committed irregularities in PDS rice and not maintained the records properly, the 3rd respondent issued a show cause notice, dated 21.04.2015. The charges levelled against the petitioner read as under:

- 1) During the inspection of Deputy Tahsildar (CS) Nellimarla and vigilance officials found excess of 0.12 qts., of PDS rice is an ample evidence that being a responsible F.P. Shop dealer, you have diverted the stock to the black market for illegal gain and violated the conditions laid down in A.P.P.D.S Control (Order) 2008. Hence the charge.
- 2) Being a responsible F.P., Shop Dealer, you have not maintained records properly and not distributed ECs to the cardholders and violated the conditions laid down in A.P.P.D.S Control (Order) 2008. Hence the charge.

In response to the said show cause notice, the petitioner submitted explanation denying the charges. Without considering the said explanation The 3rd respondent cancelled the authorisation of the petitioner vide proceedings dated 8.07.2015 basing on the confiscation orders passed by the 2nd respondent. Challenging the same, the petitioner filed the present writ petition.

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

“On perusal, the explanation offered by the dealer is not sustainable because the dealer is found to having excess quantity of rice in the instruction of Vigilance Department, which is beyond permissible limits and have also failed to maintain records. Hence, in the above circumstances the dealer has diverted the stock to the black market for illegal gain and violated the Clause 17(b) and 17(c) of conditions laid

down in A.P.P/D.S Control (Order) 2008. Hence, the authorisation of the F.P. Shop dealer, Sri Sunkari Ramu, F.P.Shop No.18, Palavalasa Village of Gurla Mandal is hereby ordered cancelled.”

As can be seen from the charges framed in the order dated 08.07.2015, charge Nos.1 and 2 relate to minor irregularities and charge No.3 relates to variation of 0.12 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 08.07.2015 is set aside and the matter is remanded to the 3rd respondent for imposing appropriate penalty on the petitioner 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.