

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35075 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.34 of Poliki Village, Vidapanakal Mandal, Kurnool District. The second respondent, basing on the report of the third respondent dated 08.09.2015, issued a show cause notice to the petitioner on 23.09.2015. The petitioner submitted his explanation on 29.09.2015. After receipt of the explanation, the second respondent suspended the authorization of the petitioner, by his proceedings dated 05.10.2015. Challenging the same, the present Writ Petition is filed.

3. This Court carefully perused the charges and they read as follows:

“Charge No.1: As verified the stock register, sales register and ground balances, there is excess of 2.60 qtls of rice in the premises FP Shop. Thereby the F.P.Shop dealer violated clause 17 (b)(c) & 22 (ii) of APSPDS Control Order, 2008.

Charge No.2: The FP Shop dealer has not maintained stock and sales register properly. Thereby the F.P.Shop dealer violated clause 22 (viii) of APSPDS Control Order, 2008.

Charge No.3: The FP Shop dealer has distributed sugar in higher price than Government fixed rates. Thereby the F.P.Shop dealer violated clause 7 (i) of APSPDS Control Order, 2008.

Charge No.4: The FP Shop dealer has not maintained the timings prescribed by the Government. Thereby the F.P.Shop dealer violated clause 22 (vi) of APSPDS Control Order, 2008.

Charge No.5: The FP Shop dealer has not distributed the K.Oil every month to the cardholders. Thereby the F.P.Shop dealer violated clause 22 (iii) of APSPDS Control Order, 2008.”

4. The above charges are vague and they do not relate to any particular month or any period. It is surprising how the petitioner has submitted his explanation in respect of those vague charges. No enquiry can be conducted in respect of those charges.

5. In the circumstances, this Writ Petition is allowed by setting aside the impugned order dated 05.10.2015 and remanding the matter back to the second respondent for framing appropriate charges against the petitioner. If the second respondent wants to take up the disciplinary proceedings against the petitioner, he has to first issue a show cause notice, invite explanation and pass an order after conducting enquiry. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.10.2015

TJMR