

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.9073 of 2015

ORDER:

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

The petitioner was appointed as a fair price shop dealer on regular basis for B.Veerapuram Village, Itikyala Mandal in Mahabubnagar District by the then Revenue Divisional Officer on 22.10.2001. While so, a show cause notice was issued by the Joint Collector on 18.01.2014 for certain irregularities and those proceedings ultimately ended in confiscation of 75% of the value of the seized stock. The Joint Collector passed an order on 22.10.2014. After passing of the order by the Joint Collector, a show cause notice was issued by the second respondent on the following grounds:

“1. The dealer has not maintained No. of records as per this condition laid down in the Authorization.

2. The dealer has not entered the Amma Hastham in the Distribution showing that he has distributed the Amma Hastham Commodities to the card holders, and not entered in the Stock Register.

3. That there is a variation of (0.90) Qts at the time of inspection.

4. There is no reasonable explanation and recorded evidences for the lapses of submitted by the dealer before the Joint Collector, Mahabubnagar and Joint Collector, Mahabubnagar has ordered to confiscate 75% of value of seized stock.”

The petitioner submitted her explanation on 10.02.2015. After considering the explanation filed by the petitioner, the second respondent passed an order suspending her authorization as follows:

“Hence, the Authorization of the Fair Price Shop dealer, B.Veerapuram Village of Itikyal Mandal, Smt.Krishnavenamma is hereby suspended with immediately effect. To avoid inconvenience to the card holders, Tahsildar, Itikyal is hereby directed to make such alternate arrangements accordingly for smooth distribution of essential commodities to the card holders.”

A perusal of the order does not indicate whether it is an interim order or final order. It does not indicate the period of suspension also. The allegations mentioned above do not warrant suspension of the authorization for conducting enquiry.

In the circumstances, the order of the second respondent, insofar as the order of suspension of authorization is concerned, is set aside. However, the second respondent can go ahead with the 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.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

03.06.2015

vs

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