

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34198 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.12 of Gudivada Town & Mandal, Krishna District. On the basis of the news item published in the newspaper, the third respondent initiated disciplinary proceedings against a number of fair price shops including the shop of the petitioner and the authorization of the petitioner was suspended on 08.11.2014. It was followed by a show cause notice dated 28.11.2014 and the petitioner submitted his explanation on 11.12.2014. The Petitioner filed W.P.No.12120 of 2015 against the order of suspension and the same was disposed of on 27.04.2015 directing the third respondent to complete the enquiry within a period of one month. Thereafter, the third respondent issued a notice on 15.06.2015 framing four charges and the petitioner again submitted a reply on 19.06.2015. Another notice was issued to the petitioner on 24.06.2015 and the petitioner submitted his reply on 26.06.2015. When an order of continuance of suspension was passed on 27.06.2015, the petitioner filed W.P.No.24034 of 2015 and also a Contempt Case in C.C.No.1383 of 2015 and order of suspension dated 08.11.2014 was set aside, but the third respondent was directed to complete the enquiry and pass final orders thereon within a period of 30 days. After disposal of the above cases, an order was passed on 24.08.2015 cancelling the authorization of the petitioner, challenging which, the petitioner filed the present Writ Petition.

3. This Court carefully perused the charges which relate to possession of benami cards, making false and fictitious entries in the stock and sales registers and forging the signatures of cardholders. The petitioner, along with

others, was asked to appear for personal hearing on 19.06.2015 and 26.06.2015. After disposal of W.P.No.24034 of 2015 and C.C.No.1383 of 2015, another notice was issued to the petitioner on 18.08.2015 and the petitioner appeared along with his counsel. After considering the explanation, the third respondent passed an order holding as follows:

“ In the reference 11th read above, the FP shop dealer 12 has appeared in person before the Licensing authority along with his Counsel and has submitted copies of explanations already submitted during earlier appearance. But he could not furnish any kind of documentary proof in support of his explanation. The list of 30 card holders furnished by the Tahsildar, Gudivada (reporting that the cards are non-existing) has been shown to the FP shop Dealer as well the Counsel and asked to explain reasons for supply of Essential Commodities to the Card Holders when it was clearly established as reported by the special enquiry teams that the said Card holders were not residing in the Town. The FP shop Dealer as well as the Counsel could not explain any reason for this. After lapse of two hours, the personal enquiry has been completed the Counsel for the FP shop Dealer submitted a representation requesting to furnish Dynamic Key Registers from 2010 to March, 2015 and other connected documents in the above named FP shop Dealer. The Counsel has been clearly informed that the Dealer has been directed in the notice to submit documentary proof in support of his explanation, but he failed to submit any documentary evidence at the time of enquiry. The representation of the Counsel is not valid after the FP shop dealer has submitted the explanation to the Licensing Authority at the time of the enquiry.”

4. The allegations against the petitioner were stated to have been improved by the third respondent and if the petitioner disputes the same, he has to file an appeal against the said order. In view of the nature of allegations, this Court is not inclined to entertain the present Writ Petition. Since there is an alternative remedy of appeal, liberty is given to the petitioner to file an appeal against the impugned order within a period of 15 days from the date of receipt of a copy of this order.

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

A.RAMALINGESWARA RAO, J

Date: 14.10.2015

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