

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20929 of 2015

DATED 9th July, 2015

BETWEEN

Venkatarami Reddy

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary, Civil Supplies Department,
Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20929 of 2015

ORDER:

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

This Writ Petition is filed challenging the order of the third
respondent dated 9.6.2015 suspending the Fair Price Shop
authorization of the petitioner and also the order of the second
respondent dated 27.6.2015 rejecting the stay application filed
by the petitioner along with the appeal.

The second respondent while disposing of the stay
application filed along with the appeal by order dated 27.6.2015
observed as follows:

“Upon perusing the grounds of appeal petition and orders of the Revenue Divisional Officer, Ananthapuram passed in Rc.No.DICS/1331/2015, dt. 9.6.2015, the appeal is taken on file and the request of the petitioner for grant of stay is not considered as there are no substantial grounds.”

The learned Counsel for the petitioner submits that in respect of neighbouring dealer, this Court passed order dated 19.6.2015 in Writ Petition No. 17868 of 2015 and that the charges framed against the petitioner in the aforesaid Writ Petition are similar to the charges framed against the petitioner in the present Writ Petition. In the aforesaid Writ Petition, this Court while extracting the charges levelled against the dealer therein and suspending the order dated 20.5.2015 passed by the third respondent, gave liberty to the third respondent to complete the enquiry within a period of three months from the date of receipt of a copy of the said order.

In the case on hand also, the petitioner was appointed as Fair Price Shop Dealer for Shop No. 23 of Eddulapalli village, Pamidi Mandal, Ananthapur District. His authorization was suspended on 9.6.2015 after issuing show cause notice dated 27.4.2015. Though the petitioner submitted his explanation, without giving any prima facie finding on the charges levelled against the petitioner, the third respondent passed the impugned order observing as follows:

“ Perused explanation and connected records. The CSDT and MRI, Pamidi personally inspected the FP Shop and noticed certain irregularities committed by the FP Shop dealer. The explanation filed by the FP Shop dealer is not

convinced and far away from truth. Hence the explanation filed by the FP Shop dealer is not taken into consideration.

I felt that deterrent punishment is necessary to keep away the FP Shop dealer from the public distribution system to safe guard the interest of the poor cardholders and also for smooth functioning of Public Distribution System”.

Inasmuch as the observations made hereinabove are common in all the orders passed by the third respondent, this Court is inclined to grant suspension of the order dated 9.6.2015 passed by the third respondent. Accordingly the order dated 9.6.2015 passed by the third respondent is suspended. Further the third respondent is directed to complete the enquiry within a period of three months from the date of receipt of a copy of this order by duly following the principles of natural justice.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 9th July, 2015.
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