

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.9659 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

2. The petitioner was appointed as a fair price shop dealer of Yambaram Village, L.N.Peta Mandal, Srikakulam District. While so, on 12.11.2014, the shop was inspected by the Inspector of Police, Vigilance and Enforcement, Srikakulam along with his subordinates and seized the stock. In respect of the variations noticed in the stock, a case under Section 6-A of the Essential Commodities Act was booked and it is pending. The third respondent issued a show cause notice on 07.01.2015 and the petitioner submitted his explanation on 02.02.2015. Thereafter, the third respondent passed a final order of cancellation of authorization, by his order dated 24.02.2015. Challenging the said order, the present Writ Petition is filed.

3. The show cause notice indicates the following charges against the petitioner.

- “ 1. That the FP Shop dealer is not maintaining the records properly.
2. That there is variation of Stock with reference to Sales Register and Stock Register and ground balance as above.”

4. The petitioner submitted a detailed explanation and without considering the same, the third respondent passed an order on 24.02.2015 holding as follows:

“ The Charges framed against the FP shop dealer and explanation written arguments submitted by him may be perused. As per the charges there is huge variation of PDS stocks and diverted to the black market. The explanation and written arguments submitted by the FP shop dealer to their advocate is found to be not convincing. He has not explained the reasons for variation, Sri Penumajji Srinivasarao, FP shop dealer, Yambaram Village is doing

clandestine business and contravention the provision under
CI.17(a), CI.(b) and CI.(c) of APS PDS (Control) Order, 2008. ”

5. From a reading of the above extract of the order, it is clear that the third respondent has not given any finding with regard to the charges leveled against the petitioner, even though the petitioner submitted a detailed explanation.

6. In the circumstances, the order of the third respondent dated 24.02.2015 is set aside and the Writ Petition is allowed. However, the third respondent shall conduct an enquiry in respect of the charges leveled against the petitioner after giving due opportunity to the petitioner and pass final orders within a period of three months from the date of receipt of a copy of this order. In the meanwhile, the third respondent shall supply the stock to the petitioner. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 20.07.2015

Note: Issue CC by 22.07.2015.

B/o. TJMR