

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION NO.32104 OF 2015

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ORDER:

The petitioner was appointed as Fair Price Shop dealer of Shop No.12 of Uppalapadu village, Podili Mandal, Prakasam District. The authorisation of the petitioner is valid and subsisting till 31-03-2016. On 25-09-2014, the Mandal Revenue Inspector, Podili along with staff inspected the shop of the petitioner and noticed excess of 75 kgs of PDS Rice. He conducted panchanama on 25-09-2014 and submitted a report on 26-09-2014 to the 3rd respondent. Basing on the said report, a show cause notice was issued on 29-10-2014, for which, the petitioner submitted his explanation on 17-07-2015. After conducting enquiry, the order of cancellation of authorisation was passed on 10-09-2015. Challenging the same, the present writ petition is filed.

2. The only allegation levelled against the petitioner is that he is having 75 kgs of excess of PDS Rice as against the total quantity of 88.75 quintals and 19.25 quintals of AAY Rice in relation to the said quantity. The quantity of 75 kgs is very marginal and within permissible limits. In spite of the same, the proceedings were initiated against the petitioner and an enquiry was conducted on 22-08-2015. The authorisation of the petitioner was cancelled though the said variation is within permissible limits. It is also recorded that the dealer was not maintaining the accounts properly. If the variation is within permissible limits and the dealer was not maintaining the accounts properly, the 3rd respondent should have imposed minor punishment as the variation and non-maintenance of records properly are technical issues coming under Clause 24 of APSPDS Control Order, 2008. In the circumstances, this Court is constrained to set aside the impugned order, dated 10-09-2015.

3. Accordingly, the writ petition is allowed at the stage of admission setting aside the impugned order, dated 10-09-2015. However, the matter is remanded to the 3^d respondent for imposing minor penalty on the petitioner. In view of allowing the writ petition as aforesaid, it is needless to observe that the petitioner is entitled to continue as a dealer. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 01-10-2015

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