

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.16951 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer of shop No.2414, Nallagonda Village, Kodimial Mandal, Karimnagar District. While so, the second respondent issued a show cause notice to the petitioner on 02.05.2015 alleging the following irregularities:

- "1. FP shop is being run by the benami person.
2. Not exhibited the price-cum-stock/quantum board.
3. Complaint box not maintained.
4. Non-maintaining the records.
5. Found physical variations."

The petitioner submitted her explanation on 18.05.2105. After receipt of explanation, the second respondent passed the impugned order and it reads as follows:

" In view of the above, reply submitted by the dealer is not satisfactory and revealed that the dealer contravening the provision clause 18(b), 22(v), 22(vi), 22(vii), 24(i) condition 2(1)(a) of the APS PDS Control Order, 2008. Therefore, Smt G.Rajahamsa, dealer of FP Shop No.2414, Nallagonda Village of Kodimial Mandal authorization is hereby suspended until outcome result of 6-A case.

The Tahsildar, Kodimial is directed to make necessary alternative arrangements for above F.P. shop immediately."

Challenging the said order, the present Writ Petition is filed.

A perusal of the impugned order shows that it was passed suspending the authorization pending disposal of

6-A proceedings but not in pursuance of show cause notice issued in respect of the allegations mentioned against the petitioner. The second respondent has knowledge that 6-A proceedings are different from disciplinary proceedings under the control order. When the second respondent issued a show cause notice, in exercise of his powers under the control order, he ought to have passed an order independently, pursuant to the explanation submitted by the petitioner to the show cause notice dated 02.05.2015, but the present order, suspending the authorization of the petitioner, is passed pending 6-A proceedings.

In the circumstances, the impugned order dated 23.05.2015 passed by the second respondent is set aside, and the matter is remitted to the second respondent for considering the explanation of the petitioner, in the light of the show cause notice issued, and pass final orders thereon within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:15.06.2015
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