

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.15056 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 permanent fair price shop dealer of shop No.19 of Y.T.Chervu Village, Guntakal Mandal, Anantapur District on 29.03.2015. The fourth respondent submitted a report dated 24.04.2014, basing on which, the third respondent issued a show cause notice dated 27.04.2015 framing six charges against the petitioner and called for his explanation. The petitioner submitted his explanation, and after receiving the explanation from the petitioner, the third respondent, by extracting the charges and explanation separately, passed the following order.

“ Perused explanation and connected records. The CSDT and MRI-II, Guntakal 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 through his Advocate Sri R.Harinatha Reddy, Ananthapuramu 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 safeguard the interest of the poor cardholders and also for smooth functioning of Public Distribution system.

In view of the above I hereby suspend the FP shop dealership held by Sri K.Rangaswamy, F.P. Shop Dealer, F.P.Shop No.19 of Y.T.Chervu village, Guntakal Mandal.”

3. The third respondent should have considered the explanation in respect of each allegation and come to a *prima facie* conclusion in order to take action of suspension of dealership of the petitioner. But, he has not done that and simply stated that the explanation filed by the dealer was not convincing and far away

from truth. The third respondent passed a stereo type order stating that deterrent punishment is necessary against the fair price shop dealer.

4. In the absence of reasons for coming to the conclusion that deterrent punishment is necessary in respect of the petitioner, this Court is inclined to suspend the order of suspension of the fair price shop dealership of the petitioner. However, this will not prevent the third respondent from conducting the enquiry into the allegations leveled against the petitioner and complete the same after observing the principles of natural justice within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is, accordingly, disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 08.06.2015

TJMR