

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.20816 of 2015

ORDER:

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

The petitioner was appointed as a Fair Price Shop Dealer of Shop No.31 of Khaderpeta Village, Pamidi Mandal, Anantapur District. It appears that the Tahsildar, Pamidi Mandal, fourth respondent, submitted a report on 18.05.2015, based on which, a show cause notice was issued to the petitioner on 22.05.2015 framing the following charges:

“Charge No.1: The FP shop dealer has not maintained the sales and stock registers properly and the stock register is not tallied with sales register. Thereby, the FP shop dealer violated Cl.22(viii) of APSPDS Control Order.

Charge No.2: The FP shop dealer has not exhibited the stock-cum-price list board in the FP shop premises. Thereby, the FP shop dealer violated Cl.22(v) of APSPDS Control Order.

Charge No.3: The FP shop dealer has not been distributing the sugar and K.Oil properly to the cardholders with proper weights and measurement and deducting ½ liter of K.Oil per each card. He is issuing PDS rice with iron vessel (seru) for the long time. Thereby, the FP shop dealer violated Cl.17(i) of APSPDS Control Order.

Charge No.4: The FP shop dealer was not maintaining timings prescribed by the Government and not opened for specified days i.e., up to 15th of every month. Thereby, the FP shop dealer violated Cl.22(vi) of APSPDS Control Order.”

The dealership of the petitioner was also suspended on 04.06.2015. Against the said order, the petitioner preferred an

appeal to the second respondent along with a stay petition. The said stay application was dismissed on 27.06.2015. Challenging the same, the present writ petition is filed.

A perusal of the charges indicates that they are technical charges which can be verified without suspending the authorization of the petitioner. The appellate authority should have taken that fact into consideration for considering the application for stay of the order dated 04.06.2015. In view of the nature of allegations mentioned in the show cause notice and disposal of the matter at the preliminary stage by the third respondent on 04.06.2015 with the following observations:

“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 through his Advocate Sri G.Umapathi, Ananthapuram 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”,

which are common in all the orders passed by him, this Court is inclined to grant suspension of the order dated 04.06.2015 passed by the third respondent. 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 the order.

The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.07.2015

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