

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34414 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 fair price shop dealer of shop No.26 of Palyam Village, Pamidi Mandal, Anantapur District. While so, on the basis of the report submitted by the fourth respondent dated 03.09.2015, a show cause notice was issued to the petitioner by the third respondent on 07.09.2015. The petitioner submitted her explanation on 14.09.2015, but construing that the petitioner has not submitted any explanation, the third respondent passed an order of suspension of the authorization of the petitioner on 14.09.2015. Challenging the same, the petitioner preferred an appeal to the second respondent. The second respondent passed an order dated 28.09.2015, rejecting the request of grant of stay and by posting the case for hearing on 17.10.2015 and also directing the third respondent to send the connected records. Challenging the same, the present Writ Petition is filed.

3. A perusal of the show cause notice indicates that the following charges are framed against the petitioner.

“ **Charge No.1:** That the F.P. Shop dealer was not running the F.P. Shop and one benami person Sri Thirupathaiah running the FP Shop. Thereby the F.P.Shop dealer violated clause 2(i)(a) of Annexure-I of APSPDS Control Order, 2008.

Charge No.2: That the F.P. Shop dealer has diverted entire stock of 481 liters of K.Oil into black market. Thereby the F.P.Shop dealer violated clause 17(b)(c) of APSPDS Control Order, 2008.”

4. The first charge relates to running of shop through a benami person and the

same can be enquired without suspending the authorization. So far as the second charge is concerned, it is vague. Though the petitioner submitted her explanation on 14.09.2015, it was stated that no explanation was filed.

5. In the circumstances, the impugned order of suspension dated 07.09.2015, as confirmed by the second respondent in appeal RC.No.K13/787/2015 dated 28.09.2015, is set aside and the matter is remanded to the third respondent for conducting fresh enquiry in respect of the allegations leveled against the petitioner and pass final orders thereon, by giving due opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is, accordingly, allowed. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 14.10.2015

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