

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 18967 of 2015

DATED 26TH JUNE, 2015

BETWEEN

S.Chakrapani

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department, Secretariat,
Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 18967 of 2015.

ORDER:

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

The petitioner is appointed as a Fair Price Shop Dealer of
Shop No. 2 of Atmakur village and Mandal, Ananthapur District.
The FP shop of the petitioner was inspected by the Deputy
Tahsildar on 3.2.2015 pursuant to the receipt of complaints from
the card holders of the Atmakur village and some variations
were noticed. Thereafter 6-A proceedings were initiated against
the petitioner. Based on the report submitted by the fourth
respondent, the third respondent issued show cause notice on
18.02.2015 and thereafter authorization of the petitioner was

suspended on 4.3.2015. Challenging the same, the petitioner approached this Court in Writ Petition No. 6903 of 2015 and the same was disposed of on 17.03.2015. Thereafter final order is passed on 12.06.2015, challenging which, the present Writ Petition is filed.

A perusal of the impugned order indicates that the third respondent has not applied his mind in proper perspective. It appears that an enquiry was conducted on 25.5.2015 wherein the petitioner requested to drop further auction inasmuch as variation was noticed while distribution of the stock to the card holders was in the process. It is noticed that there is substantial variation in the stock whereas variation in respect of PD rice, sugar, atta, wheat, Kerosene oil is marginal. After extracting the explanation to the charges, the finding is recorded in respect of the charges levelled against the petitioner as follows:

“ The Inspecting authority has inspected the premises of Sri S.Chakrapani, F.P.Shop Dealer, F.P. Shop No.02 of Atmakur village, Atmakur Mandal and found that there is shortage of 0.32 Qtls. of rice, 2 ½ Kgs of Sugar, 32 Kgs of Atta and 6 Lts. of K.Oil and excess of 77 kgs of wheat and also noticed certain irregularities committed by the FP shop dealer. Explanation not convinced. Hence the explanation is far away from truth.

It seems that the F.P. shop dealer has committed grave irregularities in distribution of ECs to the cardholders in the village and shortage of above stocks diverted the same into black market for her pecuniary gains.

In view of the above the explanation filed by the F.P. shop dealer is not convinced and charges framed against the F.P. Shop dealer are proved.”

A perusal of the above finding reveals that the third respondent has not applied his mind to the facts of the case, but he relied on the report of the inspecting authority who inspected the petitioner's FP shop premises and recorded variations in stock. There is no evidence to show that stock was diverted to the black market for pecuniary gains of the petitioner. In view of the lapse on the part of the third respondent in passing the impugned order without any basis, the same is set aside and the matter is remanded to the third respondent for conducting enquiry afresh and to pass appropriate orders in accordance with law within a period of 60 days from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 26TH JUNE, 2015.
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