

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17937 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.40 of Basinepalli Tanda Village, Gooty Mandal, Anantapuram District. While so, on 08.04.2015 the Mandal Revenue Inspector-II visited the shop and found certain irregularities and submitted a report to the 3rd respondent who in turn submitted the report to the 2nd respondent on 09.04.2015. Basing on which, the 2nd respondent issued a show cause notice on 20.04.2015 framing six charges. The petitioner submitted her explanation on 05.05.2015 and without considering the same, the 2nd respondent suspended her authorization by proceedings dated 02.05.2015. Challenging the same, the present writ petition is filed.

3. Learned counsel for the petitioner submits that the show cause notice dated 20.04.2015 was received by the petitioner on 27.04.2015 and within seven days thereof, the petitioner submitted her explanation and without taking the said explanation into consideration, the impugned order is passed.

4. The impugned order is passed with the following observations:

"In response to the show cause notice the FP shop dealer has not filed explanation.

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."

A perusal of the impugned order shows that out of six charges, the first charge relates to marginal variations and they are within permissible limits. In the circumstances, it is not necessary to suspend the authorization of the petitioner pending enquiry. In view thereof, the order passed by the 2nd respondent on 02.05.2015 suspending the authorization of the petitioner is set aside, however, giving liberty to the 2nd respondent to conduct an enquiry into the allegations leveled against the petitioner and complete the same after giving due opportunity to the petitioner within a period of three months from the date of receipt of a copy of the order.

5. 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)

19th June, 2015
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