

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.2367 of 2015

ORDER:

Heard Sri A.Jagannadha Rao, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies, appearing for the respondents.

2. In this Writ Petition, the petitioner assails proceedings dt.25-10-2014 of 3rd respondent suspending the fair-price-shop dealership of the petitioner. The impugned order does not indicate whether the said suspension is pending enquiry or as a measure of punishment. It is neither preceded nor succeeded by any show cause notice. No enquiry as contemplated under clause 5 (5) of the AP State Public Distribution System (Control) Order, 2008 was conducted before passing the impugned order. Also till date admittedly no show cause notice has been issued to the petitioner proposing to conduct any enquiry into the allegations against the petitioner mentioned in the impugned proceedings.

3. In the impugned proceedings, it is mentioned that violation of protocol is a ground for suspension of the fair-price-shop dealership of the petitioner. This is clearly untenable and cannot be countenanced.

4. The further charge against the petitioner is

that there is variations in the stocks discovered in an inspection made on 21-10-2014 in the petitioner's fair-price-shop.

5. In view of the above circumstances, the impugned order dt.25-10-2014 of 3rd respondent insofar as 3rd respondent has suspended the authorization of the petitioner is set aside. However, this will not preclude 3rd respondent from issuing a show cause notice to the petitioner regarding the alleged variations of stock in the petitioner's premises at the time of inspection on 21-10-2014, taking petitioner's explanation for the same, conducting enquiry as provided in the above Rule and pass a reasoned order and communicate it to the petitioner.

6. The Writ Petition is allowed with the above observations. W.V.M.P.No.1437 of 2015 is dismissed. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-11-2015
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