

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 14147 of 2015

ORDER:

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

2. The petitioner is a permanent resident of P. Kothapalli Village, Pamidi Mandal, Anantapur District, and also a permanent Fair Price Shop Dealer of the said village. The dealership of the petitioner was suspended by the 3rd respondent on 22.10.2014, while issuing a show cause notice on the same date. The order of suspension was challenged in W.P.No.40013 of 2014 and the 3rd respondent restored the authorization with an antedate after receiving a notice in the said writ petition, by order dated 24.12.2014. Again he issued a show cause notice on 24.03.2015 and the petitioner submitted an explanation on 13.04.2015. Without considering the said explanation properly, the 3rd respondent passed an order suspending the authorization of the petitioner on 20.04.2015. Challenging the same, the present writ petition is filed.

3. This Court by order dated 07.05.2015 suspended the impugned order for a period of six weeks. Now the learned Government Pleader produced the written instructions received by him and it indicated that it is a replica of the order of suspension passed on 20.04.2015. In the instant case also, as it is the usual practice of the officer which

I have noticed in several cases, he extracted the substance of the explanation and without giving any findings, passed the order of suspension by holding as follows:

“Perused the explanation and also connected case records. The inspecting authority has inspected the FP shop and noticed certain irregularities committed by the FP shop dealer and the Tahsildar submitted a report against the FP shop dealer. Explanation is not convinced.

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.

In view of the above, the FP shop authorization held by Kum. M.Thulasamma, FP shop dealer, FP shop No.19 of P.Kothapalli Village, Pamidi Mandal, is hereby suspended pending enquiry for passing final orders.”

In the circumstances, the interim suspension granted by this Court on 07.05.2015 shall continue till disposal of the proceedings by the 3rd respondent and the 3rd respondent shall conduct an enquiry and dispose of the case before him finally after giving a due opportunity to the petitioner, and pass final orders within a period of three months from the date of receipt of a copy of the order.

4. A copy of this order may be marked to the Commissioner, Civil Supplies, Government of Andhra Pradesh, Hyderabad, with a direction to conduct an enquiry into the conduct of this officer with regard to the passing of orders against the ration shop dealers in the District, as this Court noticed several orders of this type passed by this officer, which is resulting in filing of cases in this Court. In spite of several decisions of this Court, it appears that the officer is not following the rule of law. It is left to the Commissioner to take appropriate action in the circumstances.

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)

18th June, 2015

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