

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 21577 of 2015

BETWEEN

G.Govardhan Rao

...Petitioner

And

State of Telangana,
Rep. by its Ex.Officio Secretary to Government
Consumer Affairs, Food and Civil Supplies (CS.1)
Department, Secretariat, Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
May be allowed to see the judgments?
YES/NO
2. Whether the copies of judgments may be
Marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to
See the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 21577 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer
for shop No.1 of Kuntala village and Mandal, Adilabad District
and his authorization is valid up to 31.3.2016. It appears that on
12.6.2015 the Deputy Tahsildar (Enforcement) Nirmal along with
his staff inspected the fair price shop of the petitioner and
noticed variation in the stock. Pursuant to the same, 6-A
proceedings were initiated and the same are pending. Thereafter
the second respondent passed the impugned order dated
14.6.2015 suspending the authorization till the conclusion of 6-A
proceedings. Challenging the same, the present Writ Petition is
filed.

The second respondent is aware that the proceedings
initiated under Section 6-A of the Essential Commodities Act are
different from the disciplinary proceedings initiated by the
appointing authority for violation of the conditions of the
APSPDS (Control) Order,2008, under which authorization was
issued. In this case, no proceedings are initiated by the
respondents for cancellation of the authorization of the petitioner

under the provisions of the Control Order. Merely because 6-A proceedings are pending, the authorization of the petitioner cannot be suspended. In the circumstances, the impugned proceedings dated 14.6.2015 are liable to be set aside and accordingly they are set aside.

The Writ Petition is accordingly allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed. No costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 22nd JULY, 2015.
Msnr_x