

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

WRIT PETITION No. 5342 of 2015

BETWEEN

Tamatam Anjana Devi

....Petitioner

And

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

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 12.08.2015.

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. 5342 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.9 of Kamasamudram Village, Lingala Mandal, YSR District on permanent basis. It appears that on 8.12.2014 the fourth respondent along with his staff inspected the fair price shop of the petitioner and noticed some irregularities.

Thereafter the stocks were seized and 6-A proceedings were initiated against the petitioner. It is stated that 6-A proceedings are pending. Pursuant to the report submitted by the fourth respondent, the second respondent issued a show cause notice on 16.12.2014. The petitioner submitted her explanation denying the allegations levelled against her. Being not satisfied with the same, the second respondent through impugned order dated 20.02.2015 suspended the authorization of the petitioner till the finalization of the 6-A proceedings. Challenging the same, the present Writ Petition is filed.

This Court while admitting the Writ Petition on 4.3.2015 granted interim suspension of the operation of the impugned order dated 20.02.2015. By virtue of the same, the petitioner is

being continued as Fair Price Shop Dealer as on today.

The second respondent should have seen that the proceedings initiated under the provisions of the Essential Commodities Act are different from the disciplinary proceedings initiated under the provisions of the APSPDS (Control) Order, 2008. Therefore the second respondent ought to have conducted an independent enquiry under the provisions of the APSPDS (Control) Order, 2008 in respect of the allegations levelled against the petitioner.

Since the petitioner has already submitted her explanation, the second respondent is directed to conduct an enquiry in respect of the allegations levelled against her and pass final orders thereon within a period of sixty days from the date of receipt of a copy of this order. Till the orders are passed by the second respondent, interim order granted by this Court on 4.3.2015 shall continue in operation.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 12th August, 2015.

Msnr_x