

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.40021 of 2015

DATED 18TH FEBRUARY, 2016

BETWEEN

G. Bala Krishna

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary,
Consumer Affairs, Food and Civil Supplies (CS.I) Department,
Secretariat, Hyderabad and ors,.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40021 of 2015

ORDER:

The present Writ Petition is filed questioning the cancellation of Fair Price Shop dealership of the petitioner vide order dated 26.11.2015. In all six charges are framed against the petitioner, which read as follows:

1. That the F.P. Shop dealer has not residing in the village.
2. That the F.P. Shop Dealer is working as Private Lecture in private college in Pamulapadu Mandal.
3. That the F.P.Shop Dealer wife Smt. Ramalakshmi is working as a Secondary Grade Teacher in MPUP School of Siddepally village of Atmakur Mandal.
4. That the F.P. Shop Dealer is distributing the Essential Commodities with less wighment of 1 Kg and 2 Kgs to each ard.
5. That the F.P. Shop Dealer has not distributed

kerosene regularly and he is distributing the K.oil once in two months.

6. That the F.P. Shop dealer is running the F.P. Shop with another person by name Sri G.Sunkanna as he is not residing in the village.

The petitioner submitted his explanation to each of the charges in detail. Charge No.1 relates to the allegation that the petitioner is not residing in the village. The explanation given by the petitioner is to the effect that the petitioner's brother was murdered on an earlier occasion and there are factions in the village and as such, he is residing in nearby village. At any rate, not residing in the same village is not a ground inasmuch as Clause 8 of G.O.Ms.No.4, dated 19.2.2011 does require the dealer to reside in the same village. What all required is that the dealer should be the resident of Gram Panchayat. At any rate in the present case, there is no allegation that the petitioner is not residing in the Gram Panchayat where the village is situated.

The second charge relates to the allegation that the petitioner is working in a private college. The petitioner in his explanation denied the same. There is no material brought on record with the respect to the said charge except stating that there is no proper explanation in regard to.

So far as the third charge is concerned, it is alleged that wife of the petitioner is working as a Secondary Grade Teacher in MPUP School. In respect of the said allegation, the petitioner submitted his explanation that he has been entrusted the dealership of Fair Price Shop in the year 2004 and his wife came to be appointed as Secondary Grade Teacher on 18.10.2009. This aspect of the matter was not considered by the

authorities in proper perspective except stating that the charge is proved. As such, there is no violation of G.O.Ms.No.12, dated 6.3.2012.

So far as charge Nos.4 and 5 are concerned, there is no finding on the said charges except recording the charges and explanation given thereon.

Charge Nos. 6 and 1 are one and the same and hence there is no need to reconsider Charge No.6 and explanation given by the petitioner thereon.

Thus, having gone through the impugned order, it reveals that there is no proper application of mind on the part of the second respondent in considering the explanation submitted by the petitioner. In view of the same, the learned Government Pleader submits that the impugned order may be set aside by giving liberty to the respondents to pass orders afresh after considering the explanation submitted by the petitioner in proper perspective and giving opportunity of hearing to the petitioner.

Accordingly the impugned order dated 26.11.2015 is set aside giving liberty to the second respondent to pass orders afresh after considering the explanation submitted by the petitioner in proper perspective and giving sufficient opportunity of hearing to the petitioner.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 18TH February, 2016.
Msnr_x