

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7165 of 2016

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Between:

Sowjanya Mahila Sakthi Sangham

Rep. by its president Smt. Gudala Baby

PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Civil Supplies Department, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the proceedings dated 29.02.2016 issued by the 2nd respondent-Revenue Divisional Officer, canceling the authorization of the petitioner's fair price shop No.29 of Kapavaram Village, Biccavolu Mandal, East Godavari District.

The case of the petitioner is that the petitioner was appointed as fair price shop dealer of Shop No.29 situated at Kapavaram Village, Biccavolu Mandal, East

Godavari District, and was issued authorization initially for a period of two years for the purpose of purchase, distribution and sale of schedule commodities, and the said authorization was renewed from time to time. While so, the 3rd respondent inspected the shop of the petitioner and issued show cause notice to the petitioner alleging certain irregularities. Basing on report dated 28.01.2016 submitted by the 3rd respondent, the 2nd respondent cancelled the authorization of the petitioner on 29.02.2016. The grievance of the petitioner is that the impugned order has been passed without conducting any enquiry and without giving an opportunity of hearing to him. Challenging the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

Time and again this Court held that an order of suspension of fair price shop authorization, being punitive in nature, cannot be resorted to on trivial and flimsy grounds and that unless the appointing authority or the disciplinary authority has the reason to believe that the fair price shop dealer has been indulging in serious irregularities and that his further continuance pending enquiry as a dealer will cause serious prejudice to the public interest, suspension cannot be resorted to. It is regrettable that this principle is being ignored by the competent authorities in many a case.

In the case on hand, the allegations made against the petitioner are trivial in nature and they are within the permissible limit. However, the case of the petitioner is that before issuing the impugned order no enquiry has been conducted and no opportunity of hearing was afforded to him.

Having regard to the same, this writ petition is disposed of directing the 2nd respondent to conduct an enquiry into allegations leveled against the petitioner, complete the same, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

4th March, 2016

Js.