

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6229 of 2016

DATED 29TH FEBRUARY, 2016

BETWEEN

Satish

....Petitioner

And

The State of Telangana,
Rep. by its Commissioner & Ex Officio Secretary,
Civil Supplies Department, Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6229 of 2016

ORDER:

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

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The show cause notice dated 29.01.2016 issued by the second respondent suspending the authorization of the petitioner pending enquiry is challenged before this Court.

The impugned show cause notice dated 29.01.2016 issued by the second respondent reads as follows:

“Through the reference cited, the Assistant Supply Officer, Sangareddy Division has submitted

a report stating that Sri Satish, S/o Vittal Rao, Fair Price Shop Dealer of Shop No. 12 of Wasar Village of Kangti Mandal has committed certain irregularities in distributing the Essential Commodities and thereby causing inconvenience to the card holders and requested to take necessary action against the dealer. Therefore, the following irregularities are framed against him.

1. That the dealer has failed to maintain the Fair Price Shop property and unauthorized person, i.e. Sri P.Subhash Rao, S/o Venkat Rao, brother in law of the dealer is distributing the essential commodities and thus the dealer has contravened the Clause 12(xii) & (xiv) of G.O.Ms.No. 52, Dt.18.12.2008 of guide lines issued at the time of selection and appointment of Fair Price Shop Dealers and condition 11 of authorization issued under the APSPDS (Control) Order, 2008.

xxxx	xxxxx	xxxx
Xxxx	xxxxx	xxxx”

When the matter was listed on 26.02.2016, the learned Government Pleader sought time to obtain instructions in the matter. Accordingly the learned Government Pleader promptly obtained written instructions in the matter. In the instructions, the second respondent stated that the petitioner is not distributing the essential commodities except rice and further that in the place of dealer, his brother-in-law is distributing the commodities since seven years. It is further stated that the said show cause notice was issued on the recommendations of the Assistant Supply Officer, Sangareddy.

The reasons stated in the show cause notice as well as in the written instructions are not tallying. In the show cause notice, the allegation is that the petitioner is not distributing the essential commodities except rice. In fairness on behalf of the petitioner, the brother-in-law stated that the petitioner/dealer is sick and as such he (brother-in-law) is distributing the essential commodities. It is un-understandable as to how the family members of a dealer attending to the duties of the fair price shop can be construed as violation of the Control Order. It is not possible for a dealer to be in the fair price shop all the time. On the face of it, show cause notice smacks arbitrariness. In the light of the foregoing discussion, the impugned show cause notice dated 29.01.2016 is liable to be set aside and accordingly the same is set aside.

The Writ Petition is allowed. However, it is made clear that this order will not preclude the respondent authorities to take action if any other violations are committed by the petitioner while working as Fair Price Shop Dealer.

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 29TH February, 2016.
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