

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4770 of 2016

Date: 15.02.2016

BETWEEN

Smt. Deenamani

...Petitioner

And

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

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4770 of 2016

ORDER:

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The petitioner has been appointed as Fair Price Shop Dealer for Shop No. 566 of Suraram Colony, Quthbullapur Mandal, Ranga Reddy District. On 07.09.2015, the Assistant Supply Officer, Circle No.II, Uppal, Ranga Reddy District – fifth respondent along with other officials inspected the fair price shop of the petitioner and found certain variations in the stocks. The fifth respondent seized the stock, handed over the same to the fair price shop dealer of Shop No.568, took all the relevant records and forwarded a report to the Joint Collector (CS) – II, Ranga Reddy District – second respondent to conduct proper enquiry and confiscate the seized stock. Alleging that the petitioner had shifted the fair price shop from the place of authorization to another premises without any information to the authorities, the Revenue Divisional Officer,

Malkajgiri Division - third respondent stopped the supply of essential commodities to her fair price shop. Questioning the same, the petitioner filed W.P.No.30227 of 2015 and this Court, by order dated 16.09.2015 directed the respondents therein to supply essential commodities to the petitioner as long as her authorization is valid and in force. Pursuant to the said order, the petitioner was permitted to lift the essential commodities so as to supply the same to the card holders. While so, the third respondent issued a show cause notice on 17.11.2015 and the petitioner submitted her explanation denying the allegations made against her. However, dissatisfied with the same, the third respondent suspended the authorization of the petitioner through order dated 18.01.2016, pending enquiry. Challenging the said order, the present Writ Petition is filed.

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

A perusal of the Panchanama dated 07.09.2015 discloses that there are variations in the stocks in respect of PDS Rice, wheat, Redgram dal, sugar and kerosene beyond permissible limits. Since the charges levelled against the petitioner are serious in nature, this Court is not inclined to go into the merits or otherwise of the same and suspend the proceedings initiated against her.

However, it is stated that there is a small element of confusion in the last paragraph of the impugned order. In the impugned order what has been stated is that the fair price shop dealership of the petitioner has been suspended. But, in the

earlier paragraphs, it is stated that the explanation submitted by the petitioner has been considered. If that being so, the impugned order does not reveal any opportunity having been given to the petitioner. In that view of the matter, the impugned order cannot be treated as final order and the same shall be construed as interim suspension pending enquiry. Inasmuch as the petitioner has already submitted her explanation, the writ petition is disposed of directing the third respondent to consider the explanation submitted by the petitioner and any further explanation that may be submitted by her in relation to the show cause notice and pass final orders within a period of four weeks from the date of receipt of a copy of this order.

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

JUSTICE CHALLA KODANDA RAM

Date: 15.02.2016

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