

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.38849 of 2016

ORDER:

Heard Sri K.L.N.Raghavendra Reddy for petitioner and Assistant Government Pleader for Civil Supplies for respondents.

The petitioner challenges Proceeding No.D.Dis/ (A.3)/ 2284/ 2016 dated 18-10-2016 as illegal and arbitrary.

Through the proceedings impugned in the writ petition, the 4th respondent placed the petitioner under suspension pending enquiry. The petitioner filed appeal on 26-10-2016 against the proceeding impugned in the writ petition. The charges, which resulted in placing the petitioner under suspension, read thus :-

“Charge 1:- During inspection the inspection team noticed there is shortage of 2.15 Qtls of PDS rice, 4 kgs of sugar, 14 liters of kerosene & 4 kgs of wheat Atta as per closing stock as per EPOS with that of ground balance available thereby the F.P. shop dealer violated clause 17(b) & 17 (c) of PDS control order 2008.

Charge 2:- The F.P. shop dealer not maintained the stock register, sales register etc., thereby the F.P. shop dealer violated clause 22 (viii) of PDS Control Order, 2008.

Charge 3 :- The FP shop is being run by one Sri Chakravarthy the benami person instead of original dealer thereby the F.P. shop dealer violated authorization condition No.1 under clause 5(5) of PDS Control Order, 2008.”

Learned Government Pleader (Civil Supplies) on instructions submits that of all three charges, the enquiry is now confined to charges 2 and 3, extracted above.

Normally, this court does not exercise its jurisdiction against the order suspending the fair price shop dealer. But, in the case on hand, the attention of the Court is drawn to the peculiar circumstances under

which though not a misconduct but an inadvertent omission had happened and on account of such omission, the omission ought not to be looked into so seriously warranting suspension of dealership.

The petitioner has placed on record a few photographs in the form of annexures in support of her case. This court is of the view that these are all matters for enquiry and investigation by 4th respondent.

Having regard to two reasons namely now the enquiry is confined to two charges and the petitioner has already given explanation, which is required to be objectively considered as directed by this Court in G. DURGA SRINIVAS RAO v. STATE OF ANDHRA PRADESH¹ read with CCS Memo.No.21/ 100/ 2015-AD1.PP-CCS dated 28.09.2015 and further when appeal is filed, there is delay in disposing of the appeal or entertaining the stay petition, the writ petition is disposed of by this order.

(a) The 4th respondent is directed to complete enquiry in File No.D.Dis/ (A.3)/ 2284/ 2016 within eight weeks from the date of receipt of a copy of this order.

(b) Pending decision as directed above, the order dated 18-10-2016 is suspended.

(c) The respondents are directed to continue to supply essential commodities to petitioner.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 15-11-2016
Prv

¹ 2015 (6) ALD 359

THE HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION No.38849 of 2016

15-11-2016

Prv

