

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43331 OF 2016

ORDER:

This writ petition is filed challenging the impugned proceedings dated 19.11.2016 vide Rc.No.1067/2016/E, wherein the Revenue Divisional Officer has suspended the authorization of the petitioner on the ground of variations.

Learned counsel for the petitioner submits that she has not violated any provisions of the A.P.State Public Distribution (Control) Order, 2008 and the variations on which her authorisation was suspended are minor in nature. He also submits that the variation in Rice is 22 Kgs. and Kerosene is 8 Ltrs. which are within the permissible limits, as such, the extreme step of suspending the authorization pending enquiry would not have been resorted to by the respondents. In support of his contention he relied on the Judgment of this Court in ***K.Nirmala v. Revenue Divisional Officer, Ananthapur District and another***¹.

Heard learned Assistant Government Pleader for Civil Supplies who submits that the suspension is pending enquiry and as such no interference is called for.

A perusal of the impugned order goes to show that the authorization of the petitioner was suspended temporarily,

¹ 2012 (6) ALD 723

and no time limit is mentioned. It is also not mentioned that suspension is pending enquiry. Further, it is stated by the learned counsel for the petitioner that no show cause notice was issued to her.

This Court in ***K.Nirmala's case (supra 1)*** held as follows;

“5. This Court has time and again 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. The case on hand is a perfect illustration of how respondent No.2 has failed to make a rational approach by suspending the petitioner's authorization on the ground of small variations. Respondent No.1 has also completely failed to consider this aspect and rejected the petitioner's application for stay without even assigning any reasons therefore.”

Since variations appear to be on lower side and in view of the aforesaid Judgment rendered by this Court, the impugned order is set aside. However, this will not preclude the competent authority from enquiring into the matter by issuing show cause notice.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

14.12.2016
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