

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7739 of 2016

ORDER:

This Writ Petition is filed challenging the proceedings dated 24.02.2016 issued by the 2nd respondent-Revenue Divisional Officer, Sangareddy, in suspending the authorization of the petitioner.

The case of the petitioner is that he was appointed as Fair Price Shop Dealer of Shop No.14 of Goudgoan "K" Village of Kangti Mandal in Medak District in the year 2010 and his authorization was renewed upto 31.03.2016. Since the date of his appointment he has been distributing the essential commodities without any remarks whatsoever. While so, on a report dated 30.01.2016 submitted by the Assitant Civil Supply Officer, Sangareddy Division, the 2nd respondent issued show cause notice dated 30.01.2016 calling for his explanation. The charges leveled against the petitioner are as under:

- 1) That That the dealer opening the F.P. Shop, 4 – 5 days in a month.
- 2) The dealer is issuing ration with less weighment to the cardholders (Rice and K.Oil) i.e., 11 kgs., instead of 12 kgs., 17 kgs instead of 18 kgs., 34 kgs., instead of 35 kgs., of rice and 1, 11/2 ltr., instead of 2 ltrs., K. Oil.
- 3) That the dealer distributing E.Cs at higher price than fixed by the Govt., i.e., Sugar R.7.00/10.00 instead of Rs.6.75.
- 4) That the dealer has ration is being distributed even in the absence of the cardholder i.e., fictitious entries.
- 5) That the dealer has less ration for AAy Card holder.

In reply to the show cause notice dated 30.01.2016, the petitioner has submitted his explanation on 04.02.2016 specifically denying the above charges. However, respondent No.2 without considering his explanation and without giving any opportunity of hearing passed the impugned proceedings in a mechanical way. Hence, the writ petition.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Civil Supplies appearing for the respondents.

Having considered the submissions made on behalf of the petitioner and considering the fact that the show cause notice issued on 30.01.2016, for which the petitioner submitted his explanation on 04.02.2016 and it is the contention of the petitioner that without considering his explanation properly and without providing any opportunity of hearing the impugned orders alleged to have been passed, this Writ Petition can be disposed of with a direction to the respondent No.2-Revenue Divisional Officer to complete the enquiry by taking into consideration of the explanation submitted by the petitioner and pass final orders within a period of four weeks from the date of receipt of a copy of this order. If the 2nd respondent is failed to complete the enquiry as directed by this Court, the suspension order shall stand set aside. It is needless to mention that the petitioner shall be given an opportunity of hearing before passing final orders.

With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J.

10th March, 2016
Ssv