

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17019 OF 2016

ORDER :

Proceedings of the 2nd respondent Revenue Divisional Officer, Penukonda, dated 19.05.2016, through which the fair price shop dealership of the petitioner for Papasanipalli Village, Madakasira Mandal, Anantapur District, was suspended pending enquiry, is under challenge in this Writ Petition.

The petitioner was also issued a show cause notice on the same day i.e. on 19.05.2016 alleging that there is 77 kgs. of rice and 6 kgs. of sugar in excess and shortage of 424.7 liters of kerosene oil for the month of May 2016. Variation in ICDS rice allotted to the said shop was also noticed.

The case of the petitioner is that on the day of inspection, the excess stock, which was noticed by the authorities concerned, had to be delivered to the Anganwadi workers, but the same could not be done as the shop was seized by the authorities. To support this version, the petitioner has placed on record the complaint submitted to the Joint Collector, Madakasira Mandal by one D.K. Prabhavathi representing Kodiganipalli Anganwadi Workers stating that by the time they reached the fair price shop to take delivery of the goods, the vigilance officers were inspecting the shop and it was seized on that day itself. It is the further case of the petitioner that though 509.70 liters of kerosene oil was allocated to the petitioner fair price shop for the month of May 2016, in fact, no supplies were made. In support of this contention, a copy of the Stock Register Report generated from the web-site on 21.05.2016, was placed on record of the Writ Petition. According to the petitioner, the proceedings and the inquiry initiated against him is politically-motivated.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) submits that since the show cause notice has already been

issued to the petitioner, if he submits his explanation thereto, the factual disputes, which he has raised, can as well be considered by the 2nd respondent during the course of the inquiry.

One Sri Sudhakar Reddy, claiming to be a card-holder, filed a caveat. Sri K. Srinivas, learned counsel representing the said caveator submits that the petitioner is irregular in supplying the commodities to the card-holders, thereby depriving them the right to enjoy the benefits. On the other hand, the learned counsel for the petitioner submits that it is the caveator, who is responsible for initiation of the proceedings against the petitioner.

I am not at all inclined to accept the contention of the caveator, inasmuch as it is never his case that he had complained to the authorities concerned at any point of time bringing to their notice the irregularities committed by the petitioner and that no action has been taken thereon. The conduct of the caveator, who is entitled to receive 20 kgs. of rice every month, in taking troubles to approach this Court, itself leaves any amount of doubt about his *bona fides*.

Therefore, having considered the rival submissions and keeping in view the Stock Register Report generated through web-site and the material papers placed on record, I am of the view that suspension pending inquiry only on account of variation in sugar, which is in excess of about 1.5%, is not warranted. However, as rightly suggested by the learned Government Pleader, since a show cause notice has already been issued to the petitioner, alleging certain irregularities, he is directed to submit his explanation, based on which, the 2nd respondent is directed to conduct the inquiry and complete the same within a period of four weeks from the date of receipt of a copy of this order. Till such time, the impugned order dated 19.05.2016 passed by the 2nd respondent shall stand suspended.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also

stand disposed of.

CHALLA KODANDA RAM, J

02nd June 2016

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