

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.12081 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents.

2. An order of suspension of the fair price shop authorization of the petitioner herein passed by the Revenue Divisional Officer, Nellore, Sri Potti Sriramulu Nellore District, respondent No.2 herein, *vide* proceedings Rc.C.No.358/2018, dated 05.03.2018, is under challenge in the present writ petition.

3. In fact, in the said suspension order itself, respondent No.2 framed as many as two charges against the petitioner herein and the same are as under:

“Charge-1: During the inspection it was noticed that there is shortage of 848 Kgs of PDS Rice, + 12 kgs of sugar, -6 lts of Kerosene and Wheat Atta -19 that he as fair price shop dealer has diverted the said differential stocks into the black market for his unlawful gains and thus violated clause 17 (c) of Andhra Pradesh State Public Distribution System (Control) Order, 2008.

Charge-2: During the inspection it was found that the F.P.Shop dealer has failed to make true and correct accounts and thus violated the condition 4(ii) of Authorization issued under Andhra Pradesh State Public Distribution System (Control) Order, 2008.”

It is also evident from the record that in response to the said show cause notice, on 12.03.2018, the petitioner submitted an

explanation and admittedly, the enquiry before the Revenue Divisional Officer is pending now.

4. According to the learned counsel for the petitioner, the order of suspension is not warranted. It is further submitted that the petitioner herein submitted an explanation on 12.03.2018 categorically denying the charges while stating that the entire stock of rice is in the adjacent room of the fair price shop and the authorities did not verify the same. It is further stated by the learned counsel that for the last 40 years, he has been running the fair price shop without any blemish and he is 77 years old and suffering from diabetes.

5. On the other hand, it is submitted by the learned Government Pleader that the impugned order is only an order of suspension pending enquiry and having submitted an explanation, it is not open for the petitioner herein to maintain the present writ petition under Article 226 of the Constitution of India.

6. Having heard the learned counsel for the petitioner and having regard to the nature of the allegations made against the petitioner herein, and taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition with a direction to the Revenue Divisional Officer, Nellore, Sri Potti Sriramulu Nellore District, respondent No.2 herein, to pass final orders pursuant to the show cause notice, dated 05.03.2018, by taking into consideration the explanation offered by the petitioner herein on 12.03.2018 within a period of eight (8)

weeks from today. It is further made clear that if no orders are passed with the period stipulated, the authorization of the petitioner herein shall be restored.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 10.04.2018

Note:- Furnish C.C. in two (2) days.

B/O
AMD



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Date: 10.04.2018

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