

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 45798 OF 2018

ORDER :

Petitioner challenges the order dated 01.11.2018 of the 2nd respondent Collector (Civil Supplies), Chittoor, which suspended the authorization of the petitioner in respect of FP Shop No. 1050012, Kavoorivaripalle Village, Penumur Mandal, pending inquiry.

Against the petitioner, two charges were framed; 1) he has not shown valid authorization to the Inspecting Officials but produced the authorization renewed up to 31.12.2016 which is in gross negligence and violation of conditions; and 2) there is shortage of PDS rice of 2.50 quintals in the shop which shows that the dealer is indulging in malpractice and diverted the resultant PDS rice into black market to sell the same for higher price.

Learned counsel for the petitioner submits that so far as the 1st charge is concerned, his client has made an Application on 29.03.2016 before the competent authority seeking renewal of the authorization, but however, the same is kept pending for the reasons best known to them. Hence, it shall not be construed that the petitioner's authorization is not in subsistence, contends the learned counsel. As regards the 2nd charge, it is contended that variation of stock is within the permissible limits of 2.73 quintals, hence, the same cannot be said to be an offence.

Heard learned Government Pleader for Civil Supplies (Andhra Pradesh).

Having regard to the respective submissions, as rightly pointed out by the learned counsel for the petitioner, one cannot find fault with the petitioner, if he had made an Application seeking renewal of the authorization much prior to the expiry of the period. The fact that the petitioner was supplied the commodities for distribution between 2016 and till date itself indicates that the authorities did not consider the Application before expiration of the authorization which is a serious lapse.

So far as the shortage of stock is concerned, variation is small and further, the stock is very much available with the petitioner. Hence, in the facts of the present case, since the order impugned is suspension of authorization pending inquiry, the authorities can as well complete the inquiry. Further, a perusal of the impugned order discloses that two charges have already been framed against the petitioner. In that view of the matter, the petitioner shall submit his explanation within 15 days from today and the same shall be considered by the respondent authorities and final order be passed within two weeks thereafter.

Subject to the above, the Writ Petition is disposed of. Till such time the final order is passed, the petitioner shall be allowed to distribute the commodities. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

17th December 2018

Issue CC in two days.
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