
(2014) 10 AP CK 0024

In the Andhra Pradesh High Court

Case No : Writ Petition No. 30523 of 2014

D.V. Ramanamma

APPELLANT

Vs

The Government of Andhra Pradesh

RESPONDENT

Date of Decision : 14-10-2014

Acts Referred:

Citation : (2015) 1 ALD 683

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : S.V. Muni Reddy, Advocate for the Appellant

Judgement

C.V. Nagarjuna Reddy, J.—"Outrageous" may be the description, which can be termed apt, for the order passed by respondent No. 3 vide Rc. B. 1908/2014, dated 25-09-2014, whereby the petitioner's authorization in respect of fair price shop No. 14 of Ravipadu Village was suspended.

2. A perusal of the aforesaid order would show that as many as five imputations have been made against the petitioner, out of which, three of them relate to non-display of price & stock list, details of license and timings of the fair price shop and two of them relate to non-maintenance of registers and improper distribution of essential commodities to card holders.

3. While the first three imputations, even if found true, do not warrant imposition of any penalty except caution to the fair price shop dealer concerned to follow the procedural prescriptions relating thereto, no discussion has been made by respondent No. 3 in the impugned order regarding the remaining two imputations to prima facie show that the petitioner has failed to maintain the registers and distribute the essential commodities properly. If there is any semblance of truth in imputations 4 and 5, respondent No. 3 would have found variations between the stock register and the ground balance. No such variations have been pointed out by respondent No. 3 in the impugned order.

4. This Court has been time and again cautioning the licensing and disciplinary

authorities not to indulge in extreme action of suspending the fair price shop authorizations on trivial, frivolous and jejune grounds (See K. Nirmala Vs. The Revenue Divisional Officer, Ananthapur District and The Tahsildar, Ananthapur Town and Mandal, Ananthapur District, and Thyrumala Setty Phanindra Vs. The District Collector (C.S), The Revenue Divisional Officer and The Deputy Tahsildar, .

5. Since the appeal filed by the petitioner against the impugned order passed by respondent No. 3 is stated to be pending before respondent No. 2, I refrain from setting aside the same. However, the said order does not deserve to exist, even momentarily, pending disposal of the appeal before respondent No. 2. Therefore, the said order is suspended till disposal of the appeal by respondent No. 2.

6. The Writ Petition is, accordingly, allowed to the extent indicated above.

7. As a sequel, WPMP. No. 38161 of 2014, filed by the petitioner for interim relief, is disposed of as infructuous.