
(2012) 03 AP CK 0020

In the Andhra Pradesh High Court

Case No : Writ Petition No. 8109 of 2012

T. Jayasheela

APPELLANT

Vs

State of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 26-03-2012

Acts Referred:

Citation : (2012) 5 ALD 225 : (2012) 6 ALT 46

Hon'ble Judges : Nooty Ramamohana Rao, J

Bench : Single Bench

Advocate : D. Pramada, for the Appellant;

Judgement

Nooty Ramamohana Rao, J.—This writ petition can be disposed of as consented to by the learned Counsel for the petitioner as well as the learned Assistant Government Pleader for Civil Supplies. The writ petitioner is a fair-price shop dealer. The Tahsildar, Jagadevpur, filed an adverse report on 22.2.2012, setting out that the villagers of Wattipally Village caught the PDS kerosene oil in nine plastic cans when they are transported through a local auto and hence, an inspection has taken place of shop premises of the writ petitioner. It has disclosed variation of stock. Based upon this adverse report, the Revenue Divisional Officer, Siddipet, passed orders on 2.3.1012 temporarily suspending the authorization of the writ petitioner to run and manage the fair-price shop. The case of the petitioner is that, so far no enquiry has been conducted and based upon mere allegations, her authorization is sought to be suspended and the Revenue Divisional Officer, Siddipet has not even specified the period for which the suspension would be in force.

2. It is not in dispute that the Revenue Divisional Officer, Siddipet is the appointing authority for a fair-price shop dealer. In terms of clause 5(5) of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, power has been conferred upon the appointing authority to amend, vary, suspend or cancel the authorization, according to the fair-price shop dealer. Further, every appointing authority has the inherent power to cancel the authorization. Every

such power to cancel also enables such an appointing authority to take the necessary step-in-aid measures. Suspension pending enquiry was one such interim measure. It, therefore, follows that the Revenue Divisional Officer has also got the power to resort to interim measure of suspension of the authorization of the dealership pending enquiry. That is what has been specified in the impugned order, therefore, there is no merit in the contention that the period for which the authorization was required to be suspended, need be specified and it is enough if it is indicated that the order of suspension is resorted to only pending enquiry. Therefore, in my opinion, the ends of justice would be met if, the Revenue Divisional Officer, Siddipet is directed to conduct necessary enquiry and finalize the proceedings as early as possible. Let the enquiry be completed Within a period of three months from the date of receipt of this order by providing a fair and reasonable opportunity to the petitioner to put-forth her defense. The writ petition stands disposed of with this order. No costs.