

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

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**WRIT PETITION No. 13085 of 2012**

**ORDER :**

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The writ petitioner was a fair price shop dealer of Ozili Village. On 22.02.2012, the Sub-Collector, Gudur passed orders, suspending the authorization of the writ petitioner, pending finalization of the disciplinary enquiry, in accordance with Clause 5 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008. This order was passed on the basis of a report filed by the Vigilance and Enforcement Department, Gudur on 16.02.2012 adversely commenting against the writ petitioner, as they noticed variation of rice and kerosene oil between the book balance and the physical balance available in the fair price shop.

Sri P. Laxma Reddy, learned counsel for the petitioner would contend that the writ petitioner was not keeping well and hence, he has permitted his wife to carry on distribution of the essential commodities more with a view to see to it that no inconvenience is caused to the cardholders. Due to lack of experience, she has not simultaneously made entries in the sales register and stock register. Whereas, sales receipts and entries are made available evidencing the sale of the commodities by her. Due to this confusion, it is alleged that there was variation of the commodities between the book balance and the actual balance. However, these are all questions of fact, which are liable to be established only during the course of enquiry.

I therefore, consider it appropriate to direct the Sub-Collector/Revenue Divisional Officer, Gudur to finalize the disciplinary proceedings by conducting a detailed enquiry, by furnishing a copy of the adverse report dated 16.02.2012 submitted by the Enforcement and Vigilance Department, Gudur against the writ petitioner and also examining the records and registers and also examining the ration

cardholders, who might be willing to depose against him in his presence and provide an opportunity to cross-examine them and also allow the petitioner to produce such necessary evidence, both documentary and oral, in his defence and after taking the whole facts and circumstances into account and consideration, take appropriate decision in the mater. Let the enquiry be completed within a period of three months from the date of receipt of a copy of this order.

If, for any reason, the enquiry could not be completed within the prescribed time frame, the Sub-Collector/Revenue Divisional Officer, Gudur will explore the possibility of passing appropriate interlocutory order, enabling the writ petitioner to lift and distribute the essential commodities to the cardholders.

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

Consequently, the miscellaneous applications, if any shall stand disposed of.

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(NOOTY RAMAMOHANA RAO, J)

27<sup>th</sup> April 2012

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