



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

3459

THE HON'BLE SMT. JUSTICE JAGADAM SUMATHI

WRIT PETITION No.5007 OF 2025

Between:

Y. Ravi Prakash Narayana --- Petitioner
and

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department,
Secretariat, Velagapudi,
Guntur District and 3 others

--- Respondents

Counsel for the petitioner	:	Sri M.M.M. Srinivasa Rao
Counsel for the respondents	:	Learned Government Pleader for Civil Supplies

The Court made the following **ORDER**:

The Writ Petition is filed by the petitioner seeking to issue a Writ of *Mandamus* by declaring the impugned order in Rc.No.CS/191/2025, dated 10.02.2025, issued by the 3rd respondent, suspending his authorization of Fair Price Shop No.1339028, Mallevemula Village, Chagalamarri Rural Mandal, Nandyal District without assigning any valid reasons and without following the procedure as contemplated under A.P. State Targeted

Public Distribution System (Control) Order, 2018 (for short, 'the Control Order, 2018') is illegal, arbitrary, *mala fide* and contrary to the provisions of Control Order, 2018 and also in violation of the principles of natural justice and consequently set-aside the impugned order by directing the respondents to continue the petitioner as Fair Price Shop Dealer.

2. Brief facts of the case:

The father of the petitioner was appointed as permanent dealer for Fair Price Shop No.1339028 of Mallevemula Village, Chagalamarri Rural Mandal of Nandyal District and conducted the said shop for 45 years. He died on 09.11.2023 due to ill-health. The petitioner has made a representation to consider his case for appointment as Fair Price Shop Dealer on compassionate grounds.

3. The 3rd respondent *vide* proceedings dated 09.02.2024 appointed the petitioner as permanent dealer of the aforesaid Fair Price Shop, which was conducted by his father until his death. While so, on the report submitted by the 4th respondent, the 3rd respondent has issued show-cause notice, dated 30.01.2025 calling for explanation. The petitioner has submitted his explanation on

06.02.2025 denying the charges leveled against him and the same was endorsed by the office of the respondents. On 10.02.2025, the respondent authorities have issued proceedings suspending the authorization of the dealership of the petitioner's Fair Price Shop. Questioning the same, the present Writ Petition is filed.

4. Heard the arguments of learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

5. The 3rd respondent has issued show-cause notice stating that the petitioner has violated the provisions of clauses 29(a), 12(n) and sub-clauses 9 and 10 of the Control Order, 2018. In the explanation to Charge No.1, the petitioner stated that 2 packets of Ragi powder were torn, got damaged and expired. Insofar as the explanation to 2nd charge is concerned, the petitioner stated that he has displayed the board and his explanation to 3rd charge is concerned, he stated that he has another house and as part of extension of panchayat, they have allotted new number besides the old number and enclosed all the required documents.

6. In spite of enquiring into the explanation and statement submitted by the petitioner, the 3rd respondent has passed one line order and suspended the authorization of the petitioner's Fair Price Shop, which is in violation of principles of natural Justice. In ***K. Prabhavathi v. State of A.P., represented by its Principal Secretary and others***¹, at Para No.11, it was held as follows:

"11. Since the appointing authority acts as a quasi judicial authority, he must give cogent reasons specifying the need for placing the dealer under suspension pending disciplinary enquiry. The mere cryptic order that the report of the inspecting authority reveals a *prima-facie* case against the petitioner of his committing certain irregularities and thereby violating the Control Order, 2018 is not sufficient to justify suspension. The suspension order shall not just signify the subjective satisfaction of the Officer but it should demonstrate compulsive need for suspension. It should be noted that not all follies of a dealer, invariably require his suspension pending enquiry. Therefore, appointing authority must carefully differentiate between the *prima-facie* case for holding disciplinary enquiry and a compulsory case which requires not only disciplinary enquiry but also suspension pending enquiry."

¹ 2020 SCC OnLine AP 755

7. On the other hand, learned Government Pleader for Civil Applies, appearing on behalf of the respondents, would contend that the impugned proceedings were issued regarding variation of stock and the petitioner was running the Fair Price Shop at other place than at the authorized place. Based on the report submitted by the Tahsildar *i.e.*, 4th respondent, the order of suspension was passed by the 3rd respondent only to prevent further irregularities that are going to be committed by the petitioner in future.

8. After the petitioner submits his explanation in response to the show cause notice, the respondents must evaluate it thoroughly and issue a reasoned order to justify their actions. However, the respondents cannot dismiss the explanation with a one-line order without acknowledging it, as it violates the principle of natural justice.

9. Having considered the rival contentions, the Writ Petition is allowed by setting aside the impugned proceedings, dated 10.02.2025, issued by the 3rd respondent, by directing the respondents to reconsider the explanation submitted by the petitioner on 06.02.2025 and pass a reasoned order within a period

of six (6) weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUMATHI JAGADAM

Date:04.03.2025
DSH