

Government of Andhra Pradesh

Office of the Commissioner of
Civil Supplies, Vijayawada.

FCS02-N022/3/2022-AD.ADMIN-CCS

Dt. 06.07.2022

CIRCULAR INSTRUCTIONS

- Sub:- High Court Cases – Guidelines for dealing the cases on alleged irregularities by Fair Price Shop Dealers etc. – Reiterated – Regarding.
- Ref:- 1. G.O.Ms.No.15, CA, F & CS Dept., dated 01.08.2018.
2. CCS.Ref.No.21/100-/2015, dtd..28.09.2015.
3. Note received from DD(PDS), dtd.29.6.2022.

The Government vide reference 1st cited, have issued the A.P. State Targetted Public Distribution System (Control) Order,2018 for monitoring the PDS in the State indicating the definitions, procedure to be followed for issue of authorisations to F.P. Shop dealers, inspecting authorities, monitoring/inspections, booking of cases, penalties etc.

In the reference 2nd cited, while indicating detailed procedure for inspections, booking of cases and also disposal of cases by the authorities, all the Collectors(CS) were requested to ensure to follow the guidelines issued, so as to avoid legal consequences. In spite of these clear instructions, certain appointing authorities / inspecting officials are not adhering to the instructions resulting legal issues not only to appointing authorities but also the high authorities. Further, the Govt. Pleader for CS, High Court of A.P. and the public prosecutors concerned at district level are facing difficult to defend the cases before the courts and to protect the interest of the Government.

In view of the above, the following instructions are issued so as to deal the cases under the E.C. Act, 1955 and the AP State Targetted Public Distribution System (Control) Order, 2018 and for better administration :

- a) The Officers authorized under Clause 20(a) of AP State Targetted Public Distribution System(Control) Order,2018 should only enter the premises of the fair price shop or any private premises where the scheduled commodities pertaining to Targetted Public Distribution System or other Government schemes are kept/positioned or found in transit and conduct inspection and seize any stocks of scheduled commodities, supply documents or books, accounts or other related document for the purpose of such inspection/seizure for contravention of the provisions of this Order. Officers of Legal Metrology Department, Team of Social Audit appointed by Commissioner of Civil Supplies are also empowered to inspect the fair price shop premises, in regard to weights and measures;
- b) After entering the premises, the enforcement officers must invariably sign in the stock register and other registers available in the premises. They shall take print out e-PoS stock register report.
- c) The basic material that an enquiry report should contain :
 - 1) the mediators report narrating full material facts,
 - 2) the statement of the accused and
 - 3) statements of all the persons involved including the persons giving supporting evidence.
- d) If the inspecting officer has reason to believe that there was contravention of the provisions of the Control Order/ conditions of authorization, the officer concerned may affect seizure of commodities.
- e) The mediators, in whose presence the stocks were seized shall be of some repute and must be easily identifiable.
- f) In case, the accused denied to give written statement to the inspecting officer concerned or to cooperate with, the inspecting officers have to indicate the said denial in the mediators report and the inspecting officer concerned shall take all other documentary evidences in support of the findings during the inspection.
- g) Panchanama should be in manuscript, but not in filling the blanks format.
- h) One copy of panchanama (mediators report) must be handed over to the accused or his agent who ever is available at the time of inspection, after obtained his/ her signature on the panchanama duly informing him/her that he/she may appear before the Joint Collector within 3 days after the seizure of the stocks to represent his/her case against the seizure of commodity.

Important
ASO/S4
Pl. communicate
to all field staff
for strict compliance.
3/7/22

- i) The inspecting officer concerned shall submit report immediately, to the Jt. Collector/ Collector concerned to take action in the case of seizure of commodities under E.C. Act, 1955.
- j) A separate report shall be submitted to the Appointing authority of FP shop dealer (Sub Collector / Revenue Divisional Officer) to initiate disciplinary action against the dealer concerned as the appointing authority can initiate disciplinary action under the provisions of the AP State TPDS (Control) Order, 2018 viz., for suspension/ cancellation of authorization/forfeiture of Security Deposit, imposition of penalty.
- k) The appointing authority under the APSTPDS (Control) Order, 2018 can suspend the authorization specifying the circumstances lead to suspension of authorization, if he found grave charges and the case warrants suspension, but not in a routine manner without applying mind.
- l) The power of suspension under the Control Order includes the power to suspend the authorisation pending enquiry and no show cause notice is necessary before exercising such power
- m) The order of suspension should be followed by a show cause notice immediately by specifying the charges in clear terms and giving sufficient time to the dealer to submit his/ her explanation
- n) The charges so levelled may contain two parts viz., one, containing serious charges, which may attract cancellation of authorization and another containing marginal variations and minor irregularities at fair price shops as indicated in the Control Order
- o) While issuing the show cause notice, the appointing authority shall enclose a copy of the report of any subordinate officer or a copy of the complains received, which prompted him to take action
- p) After receiving the explanation from the dealer, in case of denial by him, the appointing authority shall hold an enquiry and pass appropriate orders indicating the rule provision to accept/deny the explanation given by the dealer, charge-wise
- q) Such enquiry should be fair by placing the material before the dealer but cannot be elevated to the level of a regular court trial. The appointing authority shall not delegate the authority (powers) provided under the statutory Orders which are quasi-judicial in nature
- r) The appointing authority shall dispose the disciplinary case filed against the fair price shop dealers as early as possible, preferably within a period of three (3) months from the date of filing, keeping in view of the convenience of the cardholders and for smooth functioning of Targeted Public Distribution System.
- s) After completion of enquiry, the appointing authority shall record reasons in respect of each charge and pass appropriate orders in accordance with the Control Order.
- t) The order so passed should be communicated to the dealer immediately and shall not be implemented the expiry of 30 days, the allowed period for preferring appeal
- u) It has to be noted that in all cases of proven charges, it is not necessary for the appointing authority to cancel the authorization and in appropriate cases, he/she can pass suitable orders imposing penalty or let off with a warning
- v) The proceedings under Sec. 6-A of E.C. Act, 1955 are separate as it empowers to decide as to whether the seized commodities require for confiscation or otherwise no order of suspension/cancellation of authorisation be issued based on the 6-A report.

Therefore, all the Collectors (CS) are requested to direct the all officers involved to exercise the powers regarding regulation of fair price shops as per the above guidelines without any deviation.

G. Veerapandian,
For COMMISSIONER OF CIVIL SUPPLIES

To
All Collectors (CS)
Copy to:
All Collectors
All DSOs
Govt. Pleader for Civil Supplies, High Court of AP, Amaravathi.
All Supervisory Officers, CCS Office.

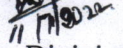
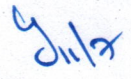
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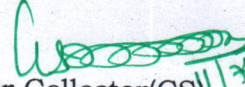
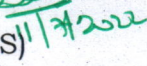
[Signature]
Joint Director (Admn.)

Rc.No. 143 /2022/S4 Dated 11-7-2022.

Collector's Office,
Visakhapatnam.

The Circular instructions issued in FCS02-N022/3/2022-AD.ADMN-CCS Dt 6.7.2022 by the Commissioner of Civil Supplies, A.P, Vijayawada are communicated to the Revenue Divisional Officer Visakhapatnam /Bheemunipatnam, all Tahsildars/ASOs , Deputy Tahsildars (Civil Supplies) in the district for information and necessary action.

To  
The Revenue Divisional Officer
Visakhapatnam/Bheemunipatnam
All Tahsildars/ASOs in the district
All CSDTS in the district
Copy to all Checking Inspectors in the district.


For Collector(CS) 
Visakhapatnam