

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.11842 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The case of the petitioner, as seen from the contents of the affidavit of the petitioner, is that he was appointed as fair price shop dealer on temporary basis in the year 2004 in respect of F.P. Shop No.22, Engilibanda Village, Gooty Mandal of Anantapuram District. While so, basing on the report dated 18.08.2015 of the 3rd respondent, the 2nd respondent issued a show cause notice dated 24.08.2015 to the petitioner framing two charges, for which, the petitioner had submitted his explanation. In spite of the same, without considering his explanation in proper perspective and without conducting any independent enquiry, the 2nd respondent passed the impugned order dated 20.02.2016 terminating the dealership of the petitioner. Challenging the same, the present writ petition is filed.

In view of the serious allegations leveled against the petitioner are proved and as there is alternative remedy available to the petitioner and as the findings of fact are under challenge, the petitioner may avail the alternative remedy of appeal.

In the circumstances, the writ petition is disposed of directing the petitioner to avail the alternative remedy of appeal before the Joint Collector against the impugned order passed by the 2nd respondent. Therefore, the petitioner shall file an appeal before the Joint Collector within a period of 30 days from the date of receipt of copy of this order. As and when such appeal is filed by the petitioner, the Joint Collector is directed to dispose of the said appeal within a period of four weeks from the date of filing of such appeal, after taking into consideration the explanation submitted by the petitioner and after conducting

independent enquiry into the charges framed against the petitioner. Till the disposal of the appeal or any stay application filed by the petitioner, there shall be interim stay of the order dated 20.02.2016.

With above direction, the writ petition is disposed of. No costs. In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

11th April, 2016.

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