

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10245 of 2016

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ORDER:

The order of the 3rd respondent-Revenue Divisional Officer, dated 08.03.2016, canceling the authorization of Fair Price Shop No.22 situated in Pedaraveedu (V&M), Prakasam District, granted in favour of the petitioner, is challenged before this Court.

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.22 of Pedaraveedu (V&M), Prakasam District vide proceedings dated 21.10.2010. While so, basing on the report dated 01.02.2016 of the Food Inspector, Markapur, the 3rd respondent-Revenue Divisional Officer, Markapur Division, has issued a show cause notice dated 03.02.2016 framing as many as four charges. The petitioner submitted his explanation on 10.02.2016 denying the charges made against him. After submitting his explanation the 3rd respondent issued a notice dated 17.02.2016 directing him to attend his office for personal hearing on 29.02.2016, but without hearing him personally the 3rd respondent has passed the impugned order canceling his authorization against Shop No.22 of Pedaraveedu (V&M). Challenging the same, the present writ petition is filed.

Having considered the nature of allegations made against the petitioner which are serious in nature and as of date a detailed order has been passed by the appointing authority i.e., 3rd respondent-Revenue Divisional Officer and as the findings of fact are under challenge, I am not inclined to interfere with the impugned order in writ jurisdiction as there is alternative remedy available to the petitioner before the Joint Collector. In the circumstances, interest of justice would be served if the writ petition is disposed of giving liberty to the petitioner to avail the alternative remedy of appeal raising all the

grounds before the appellate authority and on filing of such appeal, the appellate authority shall dispose of the same in a time bound manner.

Accordingly, 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 3rd respondent within a period of 30 days from the date of receipt of a 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 or any stay application filed, within a period of four weeks from the date of filing of such appeal, after taking into consideration of the explanation submitted by the petitioner and after conducting independent enquiry into the charges framed against the petitioner. Till the disposal of appeal or any stay application filed by the petitioner, there shall be interim stay of the impugned order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Date: 07.04.2016

Note: Issue C.C. in 3 days.

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