

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17528 of 2016

ORDER:

The case of the petitioner, as per the averments contained in the affidavit filed in support of the Writ Petition, is that on 03.04.2015, the Tahasildar, Dhone, along with others inspected Fair Price Shop No.32 of Obulapuram Village of Dhone Mandal, Kurnool District, being run by the petitioner, and found certain irregularities. Based on the report of the Tahasildar, the authorization of the petitioner was cancelled on 20.04.2015. Challenging the same, the petitioner approached this Court by way of Writ Petition No.13166 of 2015, which was disposed of by setting aside the order dated 20.04.2015 with a direction to conduct due inquiry. Subsequent thereto, an inquiry was conducted against the petitioner by framing 12 charges and her authorization was cancelled on 14.12.2015. Aggrieved by the same, again the petitioner approached this Court by filing Writ Petition No. 42471 of 2015, which was disposed of on 18.02.2016, by setting aside the impugned order with a direction to pass orders afresh after considering the explanation of the petitioner. Pursuant to the same, copies of inquiry report dated 07.12.2015 and the show cause notice dated 16.10.2015 were handed over to the petitioner along with fresh show cause notice dated 14.03.2016 to which the petitioner submitted a detailed explanation on 30.03.2016, denying all the charges. However, holding that the explanation submitted by the petitioner is not satisfactory, the impugned order dated 04.05.2016 was passed cancelling her authorization. Hence, this Writ Petition.

Learned counsel for the petitioner, while reiterating the contentions raised in the writ petition, submits that the Application made by the petitioner for renewal of her authorization is pending with the respondents.

Learned Government Pleader for Civil Supplies resisted the writ

petition.

The charges framed against the petitioner are serious in nature and there being variation with respect to stock, this is not a fit case to interfere with the impugned proceedings especially considering the fact that there is an alternative remedy of appeal available to the petitioner.

In the circumstances, the petitioner is directed to avail the alternative remedy of Appeal before the Joint Collector within a period of 30 days from the date of receipt of copy of this order. As and when the petitioner prefers the Appeal, the Joint Collector shall dispose it of within a period of four weeks thereafter, after taking into account and consideration the explanation submitted by the petitioner and after conducting independent inquiry into the charges framed against her. Till the disposal of the Appeal, the order dated 04.05.2016 shall stand suspended and the petitioner shall be permitted to discharge the functions as a fair price shop dealer. In the meantime, the Application of the petitioner seeking renewal of her authorization shall also be considered in accordance with law.

With the above directions, the writ petition is disposed of. No costs.

The Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J.

6th June, 2016

ksld