

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22211 OF 2016

ORDER:

The cancellation order dated 01.07.2015 passed by the 4th respondent-Revenue Divisional Officer, Anantapur, is challenged before this Court. One of the grounds which the petitioner challenges the same is that no show cause notice was issued before passing the order dated 01.07.2015.

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

It is the specific contention of the learned counsel for the petitioner that a show cause notice dated 02.03.2015 was issued to the petitioner in which the 4th respondent required the petitioner to show cause as to why the suspension pending enquiry shall not be ordered.

As against which petitioner in fact has submitted his explanation on 15.04.2015 and also filed appeal before the 3rd respondent-Joint Collector, Anantapur. The 3rd respondent without going into the merits of the case had remanded the matter by order dated 19.05.2015. The remand is only in relation to the suspension. But the 4th respondent passed orders with respect to the main case without there being a show cause notice and enquiry.

Learned Government Pleader raised objection that the writ petition suffers from latches and is liable to be dismissed on that ground alone. He also submits that an effective alternative remedy of appeal is provided to the petitioner. The petitioner had not chosen to prefer appeal and approached this Court challenging the order on merits without availing the alternative remedy. Hence the writ petition lack merits and is liable to be dismissed.

Having regard to the submissions of learned Government

pleader that there is an alternative remedy of appeal in terms of Section 20 (2) of Andhra Pradesh State Public Distribution System (Control) Order, 2008, subject to condition of petitioner filing appeal within ten days from the date of receipt of copy of this order, the same shall be taken on file by the 3rd respondent and pass appropriate orders after considering the material on record within six weeks thereafter. It is needless to mention that petitioner may be given an opportunity of hearing either in person or through her counsel.

With the above direction the writ petition is disposed of. No order as to 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

14th July, 2016.

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Dated : 14.07.2016

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