

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.11900 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 permanent basis in respect of F.P. Shop No.27, Gurrabadu Village, Guntakal Mandal, Anantapuram District, in the year 2004. While so, basing on the report dated 08.12.2015 of The Tahasildar, Guntakal Mandal, a show cause notice dated 11.12.2015 was issued to the petitioner framing four charges, for which, the petitioner has submitted his explanation dated 30.12.2015 denying all the charges. In spite of the same, without considering his explanation and without conducting any independent enquiry, the 2nd respondent passed the impugned cancellation order dated 14.03.2016. 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 six 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 appeal or any stay application filed by the petitioner, there shall be interim stay of the order dated 14.03.2016.

With the 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.

sur