

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15014 OF 2016

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.33 of Nagisettipalli Village. From the date of his appointment as dealer, he is discharging his duties with utmost satisfaction. While so, the 3rd respondent-Revenue Divisional Officer passed order vide Rc.No.2955/CS/2015, dated 30.04.2015, suspending the authorization of the petitioner pending enquiry. Challenging the same, the petitioner filed W.P.No.17858 of 2015 before this Court and the same was disposed of directing the 2nd respondent to consider the stay petition filed on 29.05.2015 within one week from the date of receipt of that order. As per the directions of this Court, the 2nd respondent disposed of the appeal filed by the petitioner. Consequent to the directions given by the 2nd respondent, the 3rd respondent issued show cause notice on 07.08.2015 asking the petitioner to submit his explanation. In spite of petitioner submitting the explanation on 14.08.2015, the 3rd respondent herein has not passed any final orders, petitioner filed W.P.No.34725 of 2015 and the same was disposed of directing the Revenue Divisional Officer, Nandyal, Kurnool to pass final orders. Without considering the facts in the correct perspective, cancelled the authorization of the petitioner without application of mind. Questioning the same, the petitioner filed the present writ petition.

In view of 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 3rd 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 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. No costs. Miscellaneous petitions, if any pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J

Date: 28.04.2016

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