

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10842 OF 2016

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.21 of Mynapuram Village and Guntakal Mandal, Anantapuram District. The 2nd respondent-R.D.O issued a show cause notice dated 28.12.2015 to the petitioner cancelling the authorisation of the petitioner. The charges levelled against the petitioner in the said show cause notice which reads as under:

“Charge No.1: On physical verification of the ECs in the premises of FP shop for the month of December, 2015 and found the differences and thereby the FP shop dealer is violated clause 17(b) (c) of APSPDS Control Order, 2008.

Charge No.2: The FP shop dealer was taking the finger prints of the cardholders in the e-pos machine and telling them come afterwards to take the ECs. He is not giving the ECs soon after finger prints are taken in the epos machine. There by the FP shop dealer is violated clause 22(iii) of APSPDS Control Order, 2008.

Charge No.3: The EP shop dealer is keeping the measurement jar over the weighing machine and supplying the ECs to the cardholders with the measurement jar. Due to supplying the ECs with the measurement jar, the cards holders are losing 1 Kgs of rice. There by the EP shop dealer is violated clause 7(i) of APSPDS Control Order, 2008.

Charge No.4: The EP shop dealer has not kept the price-cum-stock index board in the business premises of the FP Shop. Thereby the EP shop dealer is violated clause 22 (v) of APSPDS Control Order, 2008.”

Thereafter, the petitioner submitted his explanation on 18.01.2016 through his Advocate denying the allegations made against him, but the 2nd respondent without taking into consideration of the explanation submitted by the petitioner and without giving any opportunity of hearing to the petitioner and by violating the principles of natural justice passed the impugned orders cancelling the authorisation of the petitioner. Hence, the present writ petition.

Having considered the submissions made on behalf of the petitioner and considering the fact that the 2nd respondent had already cancelled the authorization of the petitioner, no useful purpose would be served in keeping

the writ petition pending.

In the circumstances, the writ petition is disposed of directing the petitioner to avail the alternative remedy of appeal before the 4th respondent-Joint Collector against the impugned order passed by the 2nd respondent-R.D.O. 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 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 whichever is earlier, there shall be interim stay of the order dated 14.03.2016.

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

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

CHALLA KODANDA RAM, J

Dated:01.04.2016

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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