

**THE HON'BLE SRI JUSTICE R. KANTHA RAO**

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**WRIT PETITION No.8122 of 2015**

**ORDER:**

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 3.

This Writ Petition is filed seeking to declare the action of the 2<sup>nd</sup> respondent in withdrawing the resignation of the 4<sup>th</sup> respondent vide proceedings dated 26.12.2014, as arbitrary and illegal.

The petitioner is the card holder and 4<sup>th</sup> respondent is the fair price shop dealer of Shop No.24, Puttur Village and Mandal, Chittoor District. Under the apprehension that the respondent authorities would initiate action against her for diverting the essential commodities in clandestine business, the 4<sup>th</sup> respondent tendered her resignation to the fair price shop dealership and submitted the same to the 3<sup>rd</sup> respondent, who in turn, forwarded the same to the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent-Revenue Divisional Officer, Chittoor, accepted resignation of the 4<sup>th</sup> respondent vide proceedings dated 16.12.2014. Subsequently, on the application made by the 4<sup>th</sup> respondent, the 2<sup>nd</sup> respondent revoked the resignation vide proceedings dated 26.12.2014 and passed orders permitting the 4<sup>th</sup> respondent to discharge her duties as fair price shop dealer. The action of the 2<sup>nd</sup> respondent is impugned in this writ petition.

Learned counsel appearing for the petitioner submits that as per Clause 5 (5) of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, the 2<sup>nd</sup> respondent has no power to restore the authorization once cancelled. He further submits that Clause 20 provides an appeal to the Joint Collector against the order of the Revenue Divisional Officer.

Therefore, this Court is of the view that it is open for the 4<sup>th</sup> respondent to file an appeal before the Joint Collector. The order passed by the Revenue Divisional Officer is without any authority and cannot be sustained.

Consequently, the order dated 26.12.2014 passed by the 2<sup>nd</sup> respondent is set aside and the Writ Petition is allowed at the stage of admission. There shall be no order as to costs.

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

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**R. KANTHA RAO, J**

Date: 26.03.2015

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