

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.27671 OF 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.20 of Chintalapalem Village, Talluru Mandal, Prakasam District in the year 2005 under the Physical Handicapped Quota. Based on the report of the 3rd respondent - Tahsildar, Talluru Mandal, Prakasham District, dated 19.03.2015, the 2nd respondent- Revenue Divisional Officer, Kandukur, Prakasham District, issued a show cause notice on 02.04.2015 framing two charges. The 2nd respondent also suspended the authorization of the petitioner by order dated 15.05.2015. The petitioner submitted his explanation denying the charges. However, challenging the order of suspension dated 15.05.2015 the petitioner filed W.P. No.15344 of 2015 and this Court disposed of the writ petition on 03.06.2015 with a direction to complete the enquiry within 30 days from the date of receipt of the said order and the 2nd respondent was directed to give opportunity before passing final orders.

After disposal of the writ petition by this Court on 03.06.2015, the petitioner filed an appeal before the 2nd respondent challenging the very order of suspension. Later on, in the appeal preferred by the petitioner against the orders of the 2nd respondent dated 15.05.2015, the 4th respondent called for record by proceeding dated 24.06.2015. Challenging the same, the present writ petition is filed.

When this Court disposed of the Writ Petition No.15344 of 2015 challenging the proceedings of the 2nd respondent dated 15.05.2015, on 03.06.2015 expressing disinclination to interfere with the order dated 15.05.2015, the petitioner ought not to have filed the appeal against the order dated 15.05.2015 passed by the 2nd respondent to the 4th respondent. When the 4th respondent did not pass any orders and called for the record on 24.06.2015, the present writ petition is filed.

Obviously, the petitioner has been pursuing the two remedies simultaneously and the 4th respondent cannot entertain the appeal against the orders dated 15.05.2015 when this Court disposed of W.P. No.15344 of 2015. What remained is only an enquiry by the 2nd respondent. The attempt made by the petitioner by filing the

present writ petition after passing the order on 03.06.2015 in W.P. No.15344 of 2015 and filing an appeal before the 4th respondent on 15.06.2015 is highly deprecated and the present writ petition is dismissed with costs of Rs.1,000/- (Rupees one thousand only).

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

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