HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.10403 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 2nd respondent in withdrawing the resignation of the 4th respondent *vide* proceedings dated 26.12.2014, as illegal and arbitrary.

Petitioner is the card holder and 4th respondent is the fair price shop dealer of Shop No.8, Puttur Village, Puttur Mandal, Chittoor District. Under the apprehension that the respondent authorities would initiate action against him for diverting the essential commodities in clandestine business, the 4th respondent tendered his resignation to the fair price shop dealership and submitted the same to the 3rd respondent, who in turn, forwarded the same to the 2nd respondent. The 2nd respondent-Revenue Divisional Officer, Chittoor accepted resignation of the 4th respondent *vide* proceedings dated 17.09.2014. Subsequently, on the application made by the 4th respondent, the 2nd respondent revoked the resignation *vide* proceedings dated 26.12.2014 and passed orders permitting the 4th respondent to discharge his duties as fair price shop dealer. The action of the 2nd 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 2nd 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 4th 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 2nd 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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JUSTICE R. KANTHA RAO

13th April, 2015

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