

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.606 of 2016

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Dhan Bihari Ram, Son of Jai Ram Prasad, Resident of Village+P.O.-Sahjauli, P.S.-
Shahpur, District-Bhojpur (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies,
Government of Bihar, Patna.
2. The Collector Bhojpur at Ara, District-Bhojpur (Bihar)
3. The Sub Divisional Officer, Jagdishpur, District-Bhojpur (Bihar)
4. The Block Supply Officer, Shahpur Block, District-Bhojpur (Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the State : Mr. Alok Ranjan, AC to GA 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-03-2016

Heard the parties.

Petitioner has filed this writ application for a direction to the appellate authority to set aside the order dated 14.04.2005 passed by the Sub-Divisional Officer, Jagdishpur, Bhojpur and reinstate the P.D.S shop of the petitioner, however, during the pendency, the appellate authority has rejected the appeal.

Learned counsel for the State submits that the petitioner has not taken remedy of revision before the competent authority under Clause 15 of the Public Distribution System (Control) Order, 2001.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the revisional authority against the appellate order, if so advised.

Before parting with the issue, I must express regret

regarding the manner in which the appeal has proceeded. It appears that the original records were called for under Clause 15 of the Control Order after about two years.

It appears that the appeal was filed in the year 2009 itself but it remained pending and a final decision was taken on 08.03.2016. The order shows that petitioner had regularly remained absent from the proceeding. Though it is a fact that the petitioner also remained absent on several consecutive dates but, at the same time, it appears that though the appellant was present on all occasions in the initial years i.e. 2009, 2010, 2011 and on certain dates in the year 2012 also and the matter was taken up by the authority for about 25 times but till the year 2011, no order was passed except that the matter is required to be put up on next date and ultimately on 16.09.2011, i.e. about two years after filing of the appeal, records were called for by the appellate authority.

Had the presiding officer remained vigilant, the matter could easily have been decided much earlier.

It is expected that, if revision is filed by the petitioner, the same would be disposed of within the statutory period.

(Dr. Ravi Ranjan, J.)

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