

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.2204 of 2009

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Between:

K. Satyanarayana

PETITIONER

AND

1. The District Collector, Anantapur, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Brief facts of the case are that the petitioner was appointed as a fair price shop dealer of Kalasamudram Village, Kadiri Mandal, Anantapur District in the year 1980. On a report submitted by the 4th respondent-Tahsildar, Kadiri, the 3rd respondent-Revenue Divisional Officer, Penukonda issued a show cause notice on 06.12.1999 alleging certain irregularities.

The charges leveled against the petitioner are that –

1. that the F.P. Shop Dealer failed to maintain sealed weights issued by Weights & Measures Department.
2. that the F.P. Shop Dealer issuing the essential commodities to the cardholders with unsealed weights one Kg. (non-Standard) and giving less weighments of Sugar and Rice @ 200 grams for every measure.
3. that the F.P. shop Dealer is working as Branch Post Master and also as Fair Price Shop Dealer of Kalasamudram Village is highly irregular.

In response to the show cause notice, the petitioner submitted his explanation on 27.12.1999 denying the charges. Not satisfied with the explanation, the 3rd respondent passed orders dated 16.08.2002 cancelling the authorization of the petitioner. The petitioner preferred an appeal before the 2nd respondent-Joint Collector, Ananthapur, which was dismissed on 06.08.2008 holding that the charges held proved. Aggrieved by the same, the petitioner carried the matter in revision before the 1st respondent-Collector & District Magistrate, Ananthapur, who in turn confirmed the orders of the 2nd respondent, vide order dated 24.12.2008. In the present writ petition the petitioner challenged the order of the 1st respondent on the ground that the

charges leveled against him are without any supporting material whatsoever.

The learned counsel for the petitioner contended that since the petitioner was working as a part time Post Master the same cannot be a ground for disqualification to discharge his functions as fair price shop dealer.

The findings recorded by the 1st respondent cannot be interfered with as this Court in Writ Jurisdiction cannot sit in appeal over the facts as decided by the appellate authority. More so, the Collector had dismissed the appeal, which was filed invoking Clause 17 of the APSCD (RDCS) Order, 1973, since by the time the appeal is filed before the appellate Court, the said APSCD (RDCS) Order, 1973 was repealed and a new control order, viz., A.P. State Public Distribution System (Control) Order, 2008 came into effect, and according to the new control order appeal would be maintainable within 30 days from the date of the original order. In the writ petition there is no ground raised on the aspect of maintainability of appeal.

In that view of the matter, due to passage of time the relief claimed in the writ petition cannot be granted. Accordingly, the writ petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

11th February, 2016
Js.

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