

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.17778 OF 2016

ORDER:

Cancellation of authorization order dated 30.09.2015 is challenged by the petitioner before the Joint Collector by filing an Appeal. Though the Appeal came to be admitted and the same is posted for hearing on 19.03.2016, the same was rejected by the Joint Collector on 02.03.2016. Aggrieved thereby, the petitioner preferred the instant Writ Petition.

It is the contention of learned counsel for the petitioner, Sri K. Srinivas, that the charges framed against the petitioner are minor in nature and do not really warrant the suspension.

Learned Government Pleader for Civil Supplies (AP), opposed granting of any order by this Court as the impugned order is only an ad-interim order and this Court, normally, does not interfere with the ad-interim orders passed, as it is the discretion of the appellate Court to grant stay or not.

Having considered the respective submissions, and a perusal of the order of the 2nd respondent dated 02.03.2016, it discloses that the 2nd respondent did not bestow his attention, which is required in the process of considering the application of the petitioner. Except stating that there are no substantial grounds, there is no reference to any of the grounds or the reasons why the petitioner is not entitled for stay. Keeping in mind that the 2nd respondent is first appellate authority, it is needless to mention of there being a duty cast on him in making a speaking order. In every order there is a need to mention briefly at least, why the stay sought by the petitioner could not be granted. First appeal is a matter of right and, in the facts of the present

case, refusal of the stay without assigning any reason cannot be sustained. In those circumstances, ends of the justice would be met if the 2nd respondent is directed to pass order fresh, after giving opportunity to the petitioner, within a specific period by keeping the order under challenge in abeyance.

Accordingly, with the above observation, the Writ Petition is disposed of directing the 2nd respondent to pass a fresh order in the Appeal preferred by the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. Pending passing orders in Appeal, the order dated 30.09.2015 stands suspended. No order as to costs.

In consequence, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Date: 07-06-2016.
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