

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10227 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner was appointed as Dealer of Fair Price Shop No.11 of Chandrajupalem Village, Bellamkonda Mandal, Guntur District. While so, basing on the report of the C.S.D.T., Bellamkonda dated 05.11.2015 that the petitioner committed certain irregularities in distribution of essential commodities to cardholders, the 3rd respondent issued a show cause notice dated 16.11.2015 calling upon the petitioner to show cause as to why disciplinary action should not be initiated against her within seven days, for which the petitioner submitted explanation on 03.12.2015. Dissatisfied with the explanation of the petitioner, the 3rd respondent suspended her authorization vide proceedings Rc.No.9471/15L, dated 12.02.2016. Challenging the same, the petitioner preferred an appeal before the 2nd respondent on 26.02.2016 along with a stay petition. When the same is not disposed of, the present writ petition is filed.

The grievance of the petitioner is that though she

filed an appeal before the 2nd respondent along with a stay petition on 26.02.2016, no orders are passed either on the stay petition or on the appeal till date.

In view of the petitioner preferring an appeal against the impugned order dated 12.02.2016 passed by the 3rd respondent, this Court is not inclined to consider the validity or otherwise of the said order. However, in the facts and circumstances of the case and since the petitioner had already filed an appeal along with a stay petition, the 2nd respondent is directed to dispose of the appeal within a period of four (4) weeks from the date of receipt of a copy of this order. Further, as the right of appeal being a statutory right and in view of the judgment of this Court in ***Anab-E-Shahi Wines and another Vs. Deputy Commissioner***^[1], I deem it appropriate to grant stay of the order of the 3rd respondent dated 12.02.2016, pending disposal of the appeal by the 2nd respondent.

The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

30th March, 2016
cbs

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[\[1\]](#) (1995) 98 STC 386 (AP)