

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 6930 of 2015 (M)

PETITIONER(S):

- 1. KERALA RATION WHOLESALE DISTRIBUTORS FEDERATION,
REPRESENTED BY ITS GENERAL SECRETARY,
SANTHOSH VARGHESE, KARAR BUILDING, M.L.ROAD,
KOTTAYAM - 696 001.**
- 2. SANTHOSH VARGHESE,
MANAGIND PARTNER, M/S.R.M.SUBRAMANLA IYER,
A.W.D.NO. 33, VAIKOM ROAD, MEENACHIL TALUK,
PALAI, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO FOOD AND CIVIL SUPPLIES DEPARTMENT,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE COMMISSIONER,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
PUBLIC OFFICES BUILDING,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE DIRECTOR,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
PUBLIC OFFICES BUILDING, THIRUVANANTHAPURAM - 695 001.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R3 & R4 BY SMT.MOLLY JACOB,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF ORDER DATED 23/10/1980, ENHANCING CHARGES PAID TO AWD AND ARD.
- EXT.P2: TRUE COPY OF ORDER, DATED 04/06/1988, ENHACING CHARGES PAID TO AWD AND ARD.
- EXT.P3: TRUE COPY OF ORDER DATED 29/11/1997.
- EXT.P4: TRUE COPY OF JUDGMENT, DATED 06/03/2006 IN WPC.NO. 6429/2006.
- EXT.P5: TRUE COPY OF ORDER, DATED 22/05/2009 ISSUED BY THE 1ST RESPONDENT.
- EXT.P6: TRUE COPY OF ORDER, DATED 11/09/2012 ISSUED BY THE 2ND RESPONDENT.
- EXT.P7: TRUE COPY OF JUDGMENT DATED 04/10/2012 IN WPC.NO. 22248/2012.
- EXT.P8: TRUE COPY OF COMMUNICATION, DATED 01/01/2015, ISSUED BY THE 2ND RESPONDENT.
- EXT.P9: TRUE COPY OF REPRESENTATION, DATED 14/01/2015, PREFERRED BY THE 1ST PETITIONER.
- EXT.P9(A): TRUE COPY OF REPRESENTATION, DATED 16/01/2015 PREFERRED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P10: TRUE COPY OF NOTICE ISSUED BY 1ST PETITIONER DETAILING THE DEMANDS OF THE AWD'S.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 6930 of 2015

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Dated, this the 23rd day of March, 2015

JUDGMENT

The grievance of the petitioners is mainly with regard to the poor rate of commission being given to the ration wholesale dealers, in spite of the bulk quantity being dealt with by them catering to the need of the general public. It is stated that the first petitioner earlier had approached this Court by filing W.P.(C) No. 6429 of 2006, which was disposed of as per Ext. P4 judgment dated 06.03.2006, directing the first respondent/State to consider and dispose of Ext.P1 representation preferred therein, as specified, within the stipulated time, whereby some enhancement was ordered by the Government as per Ext. P5 order dated 22.05.2009. The commission came to be enhanced vide Ext. P6 order as well on 11.09.2012, but it was applicable only in the case of retail ration dealers. In the said circumstances, the first petitioner sought to approach this Court again by filing W.P.(C) No. 22248 of 2012, which was disposed of as per Ext. P7 judgment to have the grievance considered. It is stated that as per Ext. P8 proceedings of the second respondent dated 01.01.2015, the commission given to the retail ration dealers has been enhanced, but no enhancement is ordered in respect of the

petitioners. Though the petitioners have filed Exts. P9/P9(a) representations before the respondents, the same did not yield any positive result. Hence the writ petition.

2. The learned Government Pleader points out that pursuant to Exts. P9/P9(a), a meeting was held on 11.02.2015. It is stated that a report has already been called for from the Director of Civil Supplies to suggest the extent of enhancement. It is stated that on receipt of the report, the proceedings pursuant to Exts. P9/P9(a) will be finalized within the shortest possible time.

3. In the said circumstances, the writ petition is disposed of, directing the 4th respondent to forward a report to the second respondent, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. On receipt of the report as above, the second respondent shall finalize the proceedings within a further period of two months thereafter.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd