

THE HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.1134 of 2015

ORDER

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

2. This Writ Petition is filed seeking to declare the action of third respondent in not considering the representation of the petitioner dated 07.01.2015 for his appointment as fair price shop dealer of Shop No.11, Peddakudala, Lingala Mandal, YSR Kadapa District, on compassionate grounds in terms of G.O.Ms.No.4 dated 28.02.2014, and issuance of two notifications dated 10.01.2015 and 19.01.2015, changing the reservation category from Scheduled Caste to others, as illegal and arbitrary.

3. The petitioner belongs to Scheduled Caste Community. His father, by name, Ganganna, was appointed as fair price shop dealer of Shop No.11, Peddakudala Village, Lingala Mandal, YSR Kadapa District, about three decades ago and he was distributing the essential commodities to the cardholders without any complaint from the public. During the time of his dealership, the father of the petitioner died on 03.06.2013. While so, the Government of Andhra Pradesh issued G.O.Ms.No.4, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 28.02.2014, providing appointment to the legal heirs of the deceased fair price shop dealers on compassionate grounds. Therefore, the petitioner submitted a representation to the respondents on 07.01.2015 with a request to consider his case for appointment as fair price shop dealer on compassionate grounds.

The grievance of the petitioner is that the third respondent without passing any orders on his representation, issued a notification dated 10.01.2015, notifying the fair price shop No.11 and also reserving the same to the Scheduled Caste people. It is stated that the third respondent issued another notification dated 19.01.2015 notifying some other fair price shops in Jammalamadugu, including Shop No.11 and changing the reservation category from Schedule Caste to others.

4. Learned counsel appearing for the petitioner submits that the said notifications are issued only to deprive the petitioner's legitimate right to be appointed as fair price shop dealer on compassionate grounds in terms of G.O.Ms.No.4 dated 28.02.2014.

5. As per the aforesaid G.O, the legal heirs of the deceased fair price shop dealers are eligible to be appointed on compassionate grounds provided the death of the dealer occurred not earlier than the year 2009.

6. Having regard to the aforesaid facts and circumstances, the respondents are directed to consider the case of the petitioner for appointment as fair price shop dealer on compassionate grounds for Shop No.11 of Peddakudala, Lingala Mandal, YSR Kadapa District, in terms of G.O.Ms.No.4, dated 28.02.2014, subject to condition of the petitioner satisfying the conditions stipulated in the said G.O., and prior to making any appointment pursuant to the Notifications dated 10.01.2015 and 19.01.2015. It is made clear that the respondents shall pass orders on the representation submitted by the petitioner dated 07.01.2015, which is prior to taking any steps

pursuant to the said Notifications.

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

JUSTICE R. KANTHA RAO

5th February, 2015

sj