

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36729 OF 2012

DATED:11-06-2015

Between:

Yallavula Krishna Kishore ... Petitioner

And

The District Collector,
Guntur
and another

... Respondents

COUNSEL FOR THE PETITIONER: Mr. M.M.M. Srinivas,
for Mr. Kowturu Vinaya Kumar

COUNSEL FOR THE RESPONDENTS: A.G.P. for Civil Supplies
(AP)

THE COURT MADE THE FOLLOWING:

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ORDER:

This writ petition is filed for a Mandamus to declare the action of the respondents in not considering the request of the petitioner for his appointment as fair price shop dealer of shop No.25 of Tenali, Guntur District, on compassionate ground in place of his deceased father.

It is the pleaded case of the petitioner that his father, who was permanent fair price shop dealer of the above mentioned shop, died on 6.10.2012 and that instead of appointing him, respondent No.2 has issued a notification calling for applications for filling up the vacancy on permanent basis. Therefore, the petitioner has filed this writ petition.

Respondent No.2 has filed a counter affidavit wherein it is *inter alia* stated that before filing this writ petition, the petitioner has appeared for interview on 15.11.2012, and as one Smt. Peruboina Naga Jyothi has secured highest marks she was appointed as permanent dealer of the said fair price shop.

The learned counsel for the petitioner submitted that during the pendency of this writ petition the erstwhile State of Andhra Pradesh has issued G.O. Ms. No.4, dt.28.2.2014, providing for compassionate appointment to the legal heirs/heiresses of the deceased fair price shop dealers and that therefore, the petitioner's case may be considered.

I am afraid, I cannot accept this plea. By the time the vacancy has arisen, the policy of compassionate appointment was not in force. Therefore, without considering the petitioner's case, a third party was appointed as permanent fair price shop dealer. The petitioner cannot claim the benefit of G.O. Ms. No.4, dt.28.2.2014, as it has no retrospective operation. As the said Peruboina Naga Jyothi having

been legally appointed, any direction to the respondents to consider the case of the petitioner would cause serious hardship to her interests. As there was no legal right to the petitioner for consideration of his appointment on compassionate grounds as on the date of filling up of the vacancy, he is not entitled to the relief.

For the above reasons, the writ petition fails and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, interim order dt.28.11.2012, in W.P.M.P. No.46622 of 2012, shall stand vacated, and W.P.M.P. No.46622 of 2012 and W.V.M.P. No.1377 of 2013 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-6-2015

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