

THE HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.1220 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 2nd respondent in not appointing the petitioner as fair price shop dealer of Shop No.16 of Thimmarajupeta Village, Atchutapuram Mandal, Visakhapatnam District, as arbitrary and illegal.

3. The father of the petitioner was appointed as permanent fair price shop dealer of Shop No.16 of Thimmarajupeta Village, Atchuthapuram Mandal, Visakhapatnam District and continued as such and died on 24.04.2014 leaving behind his wife and children. After the death of the father of the petitioner, in-charge arrangements were made and the neighbouring dealer has been distributing the commodities to the cardholders. 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.

4. 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. Accordingly, the brother of the petitioner filed an application along with all necessary documents to the 2nd respondent seeking appointment as fair price shop dealer on compassionate grounds. Further, all the other legal heirs

have given no objection for appointment of the brother of the petitioner as fair price shop dealer. The 3rd respondent submitted a report dated 20.08.2014, to the 2nd respondent recommending the name of the brother of the petitioner for appointment as fair price shop dealer.

5. It is submitted on behalf of the petitioner that he is aged 38 years as on the date of death of his father and therefore, he is eligible for compassionate appointment instead of his brother.

6. In view of the same, the 2nd respondent is directed to consider the case of the petitioner for appointment as fair price shop dealer on compassionate grounds for Shop No.16 of Thimmarajupeta Village, Atchuthapuram Mandal, Visakhapatnam District, in terms of G.O.Ms.No.4, dated 28.02.2014, subject to the petitioner satisfying the conditions stipulated in the said G.O.

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

4th February, 2015

SJ

