

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.208 of 2015

ORDER:

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

2. The Writ Petition is filed challenging the action of the second respondent in issuing a notification notifying shop No.27 of Vangimalla Village, Veeraballi Mandal, YSR Kadapa District in respect of which the petitioner is a dealer.

3. The petitioner was appointed in the year 2012 and the authorization was valid up to 31.03.2014. Though the disciplinary proceedings were initiated against the petitioner, they ultimately ended in proceedings dated 24.06.2014 imposing a fine of Rs.7,000/- and permitting the petitioner to continue the dealership. While so, a notification was issued on 05.01.2015 notifying the fair price shop No.27 for filling up of the vacancy by OC (Women) when the petitioner is continued as temporary dealer. Challenging the said notification, the present writ petition is filed.

4. This court by an order dated 13.01.2015 granted interim suspension and now the respondents have filed counter affidavit seeking vacation of that interim suspension order. In the counter affidavit, the respondents stated that the petitioner is only a temporary dealer and he cannot claim rights. In the present notification, the vacancy of the above fair price shop has been reserved for OC (Women) taking the Kadapa division as a unit for allotting roster point to the fair price shops. The present petitioner is being continued as fair price shop dealer till date on temporary basis only. The petitioner has filed a reply disputing the status as temporary dealer. However, no evidence is shown in support thereof. In the circumstances, the petitioner cannot challenge the filling up of the vacancy on permanent basis by a new dealer.

5. In view of the above, I do not find any merits in the Writ Petition and the

same is accordingly dismissed. However, the petitioner can be continued till a permanent dealer is appointed. If the petitioner shows any order of appointment on permanent basis, the vacancy shall not be filled up. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.06.2015

TJMR