

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

WRIT PETITION No.38577 of 2012

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17.06.2015

Between:

Gandhi Bhadraiah and others

...Petitioners

And

The Government of Andhra Pradesh,
Represented by its Principal Secretary,
Civil Supplies, Hyderabad and others

...Respondents

Counsel for the petitioners: Mr.K.Ram Reddy

Counsel for the respondents: Government Pleader
for Civil Supplies (TS)

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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 continuing the petitioners as incharge fair price shop dealers as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to continue them as incharge fair price shop dealers of Tallapusapally Village, Arpanapally Village and Dhanasari Village respectively of Kesamudram Mandal, Warangal District.

Learned Government Pleader for Civil Supplies (TS) submitted that as the wife of petitioner No.1, who was a permanent dealer, passed away, he was considered for compassionate appointment on 18.08.2014, in terms of G.O.Ms.No.4, dated 28.02.2014. Learned counsel for the petitioners has affirmed this statement. In view of this subsequent event, the writ petition has become infructuous *qua* petitioner No.1.

With regard to the remaining petitioners, learned Government Pleader submitted that petitioner No.2 is a member of DWACRA group and that she is being continued on temporary basis. He has, however, submitted that a temporary dealer cannot claim to be continued permanently unless she is selected in pursuance of the notification issued by the appointing authority for appointment of permanent dealer. Though

petitioner No.2 is stated to be functioning from the year 2004, no *mandamus* can be issued to continue her as temporary dealer without filling up the vacancy on permanent basis. This Court is unable to comprehend the inaction of respondent No.3 in filling up the vacancy of fair price shop dealer of Arpanapally Village on permanent basis for more than eleven years. Respondent No.3 is, therefore, directed to initiate action for filling up the vacancy on permanent basis and complete the process within three months from the date of receipt of a copy of this order. Till the vacancy is filled up on permanent basis, petitioner No.2 shall be continued as temporary fair price shop dealer.

As regards petitioner No.3, learned Government Pleader submitted that he is the grandson of the deceased permanent dealer through his daughter and that under G.O.Ms.No.4, dated 28.02.2014, he is not eligible to be considered under the compassionate appointment scheme. This submission is not disputed by the learned counsel for the petitioners. Inasmuch as petitioner No.3 cannot claim appointment on compassionate grounds under G.O.Ms.No.4, dated 28.02.2014, no direction to appoint him on permanent basis can be granted. Respondent No.3 is, therefore, directed to initiate steps for filling up the vacancy of fair price shop dealer of Dhanasari Village along with fair price shop of Arpanapally Village and till filling up the vacancy on permanent basis, petitioner No.3 shall be continued as temporary fair price shop dealer.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, interim order, dated 14.12.2012 in W.P.M.P.No.48925 of 2012 is vacated and W.P.M.P.No.48925 of 2012 and W.V.M.P.No.915 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17th June, 2015

