

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.18172 of 2009

Date : 14-10-2015

Between:

M. Venkateswarlu .. Petitioner

And

The District Collector, Kurnool

and three others .. Respondents

Counsel for petitioner : Mr. P. Vishnu Vardhan Reddy

Counsel for respondents : Government Pleader for Civil Supplies (AP)

The Court made the following :

ORDER:

This Writ Petition is filed to declare notification vide Rc.B/1299/2009, dated 13-8-2009 proposing to fill up the vacancy of fair price shop dealer in Sundipenta village, Srisailam Mandal, Kurnool District, as illegal and arbitrary.

The petitioner claims that he was appointed by respondent No.3 as the fair price shop dealer on 8-4-2005 on temporary basis and that the State Government has decided to continue him by entering into agreement dated 11-10-2007. Feeling aggrieved by issue of notification dated 13-8-2009 by respondent No.3 for filling up the vacancy on permanent basis, the petitioner filed this Writ Petition.

On the strength of an interim order granted by this Court, the petitioner was continued as the fair price shop dealer. On 30-9-2015, this Court has passed the following order:

“It is rather shocking that the petitioner, who is a temporary fair price shop dealer, has set up an unsigned and unauthenticated agreement purported to have been entered into by him with his Excellency the Governor of Andhra Pradesh for supply of essential commodities to the cardholders of a Village and based on such a document, he was able to successfully obtain an interim order from this Court and on the strength of the same, he is being continued as the fair price shop dealer.

This Court would like to know under what provision, the petitioner purportedly entered into an agreement with the Governor of Andhra Pradesh and why he has not filed the original agreement or at least a certified true copy of the same. If this agreement turns out to be a fake one, the petitioner

would be liable for prosecution for fabricating a false document and using the same for obtaining an interim order.

The learned Counsel for the petitioner requested for an adjournment to get instructions and address the Court on these aspects after obtaining instructions from the petitioner.

Post on 07.10.2015.”

Purporting to obey the said order, respondent No.3 has filed counter affidavit. Thoroughly dissatisfied with the said counter affidavit, this Court, on 7-10-2015, has passed the following order :

“Though this Court has taken a serious view of the conduct of the petitioner in raising an unusual averment of an alleged agreement between himself and his Excellency, the Governor of Andhra Pradesh, and passed an order, on 30.09.2015, by placing on record the *prima facie* views of this Court with reference to the said agreement, respondent No.3, who has filed the counter-affidavit after the case was last adjourned, has not even referred to the petitioner’s averment relating to such an agreement made in the affidavit. This shows sheer callousness and negligence on the part of respondent No.3. He is directed to be personally present before this Court along with the record and explain why action shall not be directed to be initiated against him for his sheer negligence in not referring to the petitioner’s averments regarding the alleged agreement in his counter-affidavit.

Thereafter, an additional counter-affidavit has been filed wherein respondent No.3 in no uncertain terms described the act of the petitioner as fraudulent as the agreement set up by him with His Excellency the Governor of Andhra Pradesh, which was the sole basis for filing the Writ Petition, is not envisaged under the extant Control Orders and that the same is a manipulated one. It is, however, stated that the petitioner died and his wife has been appointed as the permanent fair price shop dealer, vide proceedings in Rc.B/1299/2009, dated 02-07-2014, by extending the scheme of compassionate appointment.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) has stated that as the fraud played by the petitioner has come to light, respondent No.3 will review the appointment of the widow of the petitioner-M.Swathi and take all necessary steps for cancellation of such appointment, after notice to her.

Mr. P. Vishnu Vardhan Reddy, learned Counsel for the petitioner, has expressed his deep remorse and regret for filing Writ Petition of this nature.

Inasmuch as the petitioner died and respondent No.3 has made a statement that he will review the appointment of the widow of the petitioner, the Writ Petition is closed.

As a sequel to the closure of the Writ Petition, interim order dated 09-09-2009 is vacated and WPMP No.23796 of 2009 is dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 14-10-2015

DR/AM