

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

WRIT PETITION No.13347 of 2012

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24.06.2015

Between:

Immadi Durga Rao

...Petitioner

And

The District Collector (TS), Guntur and others

...Respondents

Counsel for the petitioner: None appeared

Counsel for respondent Nos.1 to 4: Assistant Government

Pleader for Civil Supplies (AP)

Counsel for respondent No.5: Mr.K.V.R.Krishna Sharma

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside order, dated 09.05.2012 in Appeal Case D Dis.No.1/2012-S7 of respondent No.2.

At the hearing, there is no representation for the petitioner. I have heard learned Assistant Government Pleader for Civil Supplies (AP) for respondent Nos.1 to 4 and Mr.K.V.R.Krishna Sharma, learned counsel for respondent No.5.

The husband of respondent No.5 was the permanent fair price shop dealer. Consequent on her husband's death, she applied for appointment on compassionate grounds. However, as no provision for compassionate appointment was in existence at that time, respondent No.3 issued notification for filling up the vacancy on permanent basis and appointed the petitioner. Assailing the same, the

son of respondent No.5 filed an appeal before respondent No.2. By the impugned order, respondent No.2 set aside the appointment of the petitioner and directed to appoint respondent No.5 as temporary dealer in the next three months of the date of the order and continue the said arrangement till W.P.No.4383 of 2012 filed by respondent No.5 is disposed of by this Court. Assailing the said order, the petitioner filed Revision Case No.7/2012-S7 before respondent No.1 along with stay application. As no interim order was passed by respondent No.1 in the said revision case, the petitioner has filed this writ petition.

The prayer in the writ petition is couched in such a fashion that the petitioner has questioned the order, dated 09.03.2012 passed in the appeal, by respondent No.2. When the said order is subject matter of the revision case before respondent No.1, such a prayer cannot be entertained. At best, the petitioner would have questioned the action of respondent No.1 in not disposing of the stay application filed in the revision case. As the revision case is pending before respondent No.1, this Court does not intend to adjudicate *inter se* dispute between the petitioner and respondent No.5 with regard to their entitlement for being appointed as the fair price shop dealer.

Respondent No.1 is, therefore, directed to dispose of the revision case pending before him within two months from the date of receipt of a copy of this order after giving notice to the petitioner and respondent No.5. Till such disposal, the present arrangement for running the fair price shop in question shall be continued.

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

As a sequel to disposal of the writ petition, interim order, dated 07.06.2012 in W.P.M.P.No.16636 of 2012 is vacated and W.P.M.P.No.16636 of 2012 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th June, 2015

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