

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.40954 of 2016

ORDER:

Heard learned counsel for petitioner and the Assistant Government Pleader for Civil Supplies.

2. Petitioner challenges notification Ref.D/1910/2016 dated 26.09.2016 issued to appoint permanent dealer to the Fair Price Shop No.60 of P. Donthamuru village, Pithapuram Mandal, East Godavari District as illegal, arbitrary and unconstitutional.

3. Petitioner relies upon G.O.Ms.No.4 Consumer Affairs, Food and Civil Supplies (CS-1) Department dated 28.02.2014 to contend that according to the policy decision of first respondent, the appointment of legal heir of deceased fair price shop dealers as fair price shop dealers on compassionate grounds is accepted and without considering the case of petitioner under G.O.Ms.No.4 dated 28.02.2014 issuing notification impugned in the writ petition is illegal.

4. The Assistant Government Pleader contends that temporary arrangement made upon demise of the petitioner's father viz. by continuing petitioner as temporary dealer, does not enure to petitioner to become permanent dealer, but the petitioner shall have to apply under G.O.Ms.No.4 dated 28.02.2014 and the third respondent can consider such claim within the four corners of law.

5. Without going into the merits on the challenge laid to notification dated 26.09.2016 and particularly having regard to the

policy decision of the Government, I am satisfied the writ petition is disposed of by this order:

- a) Petitioner is given liberty to apply for appointment on compassionate grounds under G.O.Ms.No.4 dated 28.02.2014 within two (2) weeks from the date for receipt of copy of this order.
- b) The third respondent is directed to consider the request of petitioner, take a decision in accordance with the extant policy and also the observations of this Court in WP.No.24816 of 2015 dated 02.11.2015 within eight (8) weeks thereafter.
- c) Till a decision on the request of petitioner for appointment on compassionate grounds is taken, the third respondent is directed not to make permanent arrangement pursuant to notification dated 26.09.2016.

As a sequel, the miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

November 25, 2016
DSK

S. V. BHATT, J

