

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.23711 OF 2014

ORDER:

The petitioner prays for the following relief:

”.....this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in removing the petitioner as Fair price shop dealer of Shop No. 31, of Potladurthy Village, Yerraguntla Mandal, YSR Kadapa District, by his Proceedings No. Ref. C/700/2014 dated 6-8-2014 and appointing the 4th respondent as Temporary Fair price shop dealer of the said shop vide proceedings

Ref.C/700/2014 dated 9-8-2014 of the 2nd respondent is illegal, arbitrary and being violative of Article 14, 16 of the Constitution of India and also violation of Principles of Natural Justice and contrary to the A.P. State Public Distribution System (Control) Order, 2008 and set-aside the same and consequently direct the respondents 2 and 3 to continue the petitioner as Fair Price Shop dealer of Shop No. 31, of Potladurthy Village, Yerraguntla Mandal, YSR Kadapa District and pass.....”

On 21.08.2014, the following interim order was passed by this

Court:

“Learned Government Pleader for Civil Supplies takes notice for respondent Nos.1 to 3.

Notice to respondent No.4 only.

A perusal of impugned order, dated 06.08.2014, passed by respondent No.2-Revenue Divisional Officer, Kadapa, terminating the temporary fair price shop dealership of the petitioner, shows that the same is a cyclostyled one without any specific averments against the petitioner herein. This shows the non-application of mind by respondent No.2. The impugned order is violative of the principles of natural justice and hence, the same is suspended until further orders. The respondents are directed to continue the petitioner as the temporary dealer of the fair price shop in question. However, this Order will not preclude the competent authority from filling up the vacancies, if

any, of the fair price shop dealers, on regular basis.

Post next week in the Motion List.”

Respondents 5 to 19 have been impleaded vide order dated 20.04.2016 and with the consent of learned counsel appearing for the parties, the writ petition is taken up for hearing and disposal.

The petitioner challenges discontinuation/termination of dealership of fair price Shop No.31 of Potladurthy village, Yerraguntla Mandal, YSR Kadapa District as illegal. The petitioner was appointed vide proceedings reference No.C/700/2014 dated 09.08.2014 as temporary fair price shop dealer for the subject shop. The relevant conditions in the order of appointment read thus”

“.....This order is only on temporary basis and do not confer on the individual any right at the time of filing up of the vacancy on regular basis.

1. The appointment is purely on temporary basis and liable to be terminated at any time even before the expiry of temporary period without giving any notice or assigning any reason.
2. The individual acquires no right over the F.P. shop dealership in future by virtue of this temporary appointment.

The Tahsildar, Yerraguntla is requested to allot Essential Commodities to the above individual in Door No.5/62-A of Potladurthy Village of Yerraguntla Mandal and keep a close watch and vigil for proper distribution of Essential Commodities to all the cardholders”.

The 2nd respondent without taking steps for appointment of regular F.P.Shop dealer, for extraneous reasons, it is alleged, has issued the impugned termination proceedings.

With the assistance of learned counsel, I have perused the material available on record. The admitted circumstance of the case is that the petitioner was appointed on temporary basis and cannot claim any accrued right for continuation by the

2nd respondent. The petitioner can certainly complain if one temporary

appointment is substituted by another temporary appointment. Learned counsel appearing for the petitioner submits that the grievance of petitioner is termination is ordered for extraneous reasons. The temporary authorisation is terminated and someone else in the place of petitioner is sought to be appointed on temporary basis.

I have perused the material available on record and I am satisfied that instead of continuing the F.P.Shop by appointing temporary dealers from time to time, the writ petition can be disposed of by this order.

“The 1st and 2nd respondents are directed to take steps for appointment of regular fair price shop dealer (shop No.31) within two months from the date of receipt of a copy of this order. The interim order granted on 21.08.2014 shall be continued till a regular F.P.Shop dealer for the subject F.P. shop is appointed.

Since the writ petition is disposed of, no further order need be passed in the vacate stay petition and is accordingly rejected”.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

Date:20.04.2016

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