

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14724 of 2016

ORDER:

This writ petition is filed for a *mandamus* declaring the action of the 2nd respondent in not considering the petitioner's representation dated 08.09.2013 for the appointment as dealer of fair price shop No.8 at Salur Town, Vizianagaram District, in place of her deceased father-in-law on compassionate grounds in pursuance of G.O.Ms.No.4, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 28.02.2014 issued by the 1st respondent, as illegal and arbitrary.

It is the case of the petitioner that her father-in-law was the fair price shop dealer of Shop No.8 at Salur Town, Vizianagaram District and his license is valid upto 31.03.2015. While so, the petitioner's father-in-law expired on 30.08.2013 due to ill-health. Thereafter, the petitioner made an application on 08.09.2013 before the 2nd respondent for appointing her as fair price shop dealer in the place of her father-in-law on compassionate grounds by considering the same under G.O.Ms.No.4, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 28.02.2014 issued by the 1st respondent. But, till date no orders are passed on the application of the petitioner dated 08.09.2013. Aggrieved

by the same, present writ petition is filed.

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

A perusal of the G.O.Ms.No.4 dated 28.02.2014 shows that the compassionate appointment shall be confined to legal heirs/heirress as per 6(i) of the order. In the present case, petitioner, being daughter-in-law, is not entitled to claim as legal representative of the deceased, particularly, when the husband of the petitioner is alive. If there is any specific eligibility on the part of the petitioner, non consideration of the application of the petitioner in terms of G.O.Ms.No.4 dated 28.02.2014, can be said to be arbitrary and illegal. In these circumstances, I do not find any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

27th April 2016.

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