

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.28790 and 28873 of 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they arise out of identical circumstances.

It appears that the petitioners were appointed as dealers of fair price shop Nos. 5 and 32 of Katryala Village and Wardhannapet Village and Mandal, Warangal Rural District, respectively, *vide* proceedings dated 25.10.2008. The vacancies are regular vacancies. They were allowed to continue for all these years, but it is an admitted fact that no authorisation was issued in their favour and when they were replaced by entrusting the duties of distribution of essential commodities to regular fair price shop dealers, the present writ petitions are filed.

Learned Government Pleader for Civil Supplies, on the basis of written instructions, submits that the petitioners were appointed as fair price shop dealers, but no authorisation was issued in their favour. They were allowed to distribute the essential commodities without any authorisation. In view of the raid being conducted by the Vigilance Department and the Civil Supply Officials, it was thought it fit to entrust the duty of distribution of essential commodities to the regular dealers.

This clearly shows that the petitioners were allowed by the Officers in spite of their knowledge that the petitioners had no

authorisation. This is a clear case of negligence of the Tahsildars and the Revenue Divisional Officers who are respondent Nos.3 and 4 in the writ petitions. Since the petitioners are continuing as fair price shop dealers, it is for respondent No.3 to take a decision whether they are entitled for any authorisation or not and only after taking such decision, he can make alternative arrangement. It is not a case where there are allegations against the petitioners.

In the circumstances, the writ petitions are disposed of directing respondent No.3 to take a decision with regard to the eligibility of the petitioners for authorisation and if respondent No.3 comes to a conclusion that the petitioners are not entitled to authorisation, they shall be continued till permanent arrangements are made. If the petitioners are otherwise eligible for authorisation, their appointment can be regularised by respondent No.3 in accordance with law.

Miscellaneous petitions, if any, pending in these writ petitions shall also stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:04.09.2017

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