

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17467 of 2017

ORDER.

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents.

The petitioner is a physically handicapped person and was appointed as a Fair Price Shop Dealer of New Velmel village Soan Mandal, Nirmal District. The authorization of petitioner is valid upto 31-3-2018 and the authorization of the petitioner is cancelled by proceedings dated 25-4-2017 on the ground that she is working as Anganwadi worker at Anganwadi Centre New Velmel village of Soan Mandal, Nirmal District. Aggrieved by the same, the present Writ Petition is filed.

The impugned order of the 3rd respondent reads as follows.

"In the reference read above, Tahsildar, Soan has reported that Smt.Konda Rajamani D/o Gangaram belongs to SC Mala Community was appointed as Anganwadi worker at Anganwadi Center New Velmel vide CDP Nirmal Proc. No.441-1/A/91, dated 13-8-1991 in physical handicapped quota, in the year 2003 she has appointed as Fair Price Shop Dealer vide RDO Nirmal Authorization No.B/1439/2003 dated 29-5-2003. At present she is acting as Fair Price Shop Dealer and also Anganwadi worker at Anganwadi centre New Velmel Village and organized her duties in satisfactory manner. Further the Tahsildar, and requested to pass the suitable orders in the matter for further course of action.

As per G.O.Ms.No.4 CA, F&CS (CS.I) Dept Dt. 19-2-2011, general guidelines for appointment of FP shop dealer at para No.12 (iii) Close relatives of Government employees especially those working in Civil Supplies Department or Revenue department or the Civil Supplies Corporation or Village Administrative Officer, of the village

shall not be appoint family members or relatives of employees working on contractual basis on consolidated pay like Anganwadi teachers, ANMs, Asha Workers, Vidya Volunteers, out sourcing employment etc.,

Hence, in view of the above facts the authorization held by Smt.Konda Rajamani D/o Gangaram R/o New Velmel of Soan Mandal is hereby cancelled with immediate effect.

The Tahsildar, Soan, is hereby directed to take necessary steps to make alternate arrangement to the said FP shop and to avoid inconvenience to the card holders of New Velmel Village of Soan Mandal."

It is clear from the above order that the petitioner was appointed as a Fair Price Shop Dealer in the year 2003 and she has been discharging her duties in satisfactory manner. It is apparent from the above order that no notice was issued to the petitioner.

In the circumstances, this court is constrained to set aside the impugned order.

This Writ Petition is accordingly allowed. However, allowing the Writ will not preclude the respondents from taking action in accordance with law. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE A. RAMALINGESWARA RAO

Dated 7-8-2017.

Dvs

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