

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.20735 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for respondent Nos.1 to 4. The notice to respondent No.5 is dispensed with since he is the complainant and no final orders are passed on his complaint.

The petitioner's husband was appointed as a fair price shop dealer of shop No.13, Chinnamariveedu Village, Gonegandla Mandal in Kurnool District, and he died on 22.05.2013 leaving behind him the petitioner and two children. At the instance of the political leaders, the fair price shop was entrusted to the fifth respondent and he was running the same till December, 2015. While so, the Government issued G.O.Ms.No.4, dated 28.02.2014, revising the earlier guidelines and enabling the appointment of fair price shop dealers on compassionate grounds. Accordingly, the petitioner applied for appointment and she was appointed on 25.01.2016 by the third respondent. She was appointed after going through the educational qualifications submitted by her. After appointment, it appears that the fifth respondent lodged a complaint stating that she produced fake certificates and an enquiry is going on with regard to the said complaint. Now, the third respondent passed an order on 13.06.2017, after one year of the complaint of the fifth respondent, suspending the fair price shop dealership held by the petitioner pending enquiry into her

educational qualifications pursuant to the complaint lodged by the fifth respondent. Challenging the said order, dated 13.06.2017, the present Writ Petition is filed.

There is no dispute that the fifth respondent was temporarily appointed and he was replaced by the petitioner consequent to the consideration of her application on compassionate grounds. The petitioner was appointed as a fair price shop dealer with effect from 25.01.2016 on regular basis. When the enquiry is going on and the petitioner was appointed as a fair price shop dealer on regular basis, it is not necessary for the third respondent to suspend the dealership pending enquiry and it is open to the third respondent to complete the enquiry and pass final orders.

In the circumstances, this Writ Petition is allowed setting aside the order dated 13.06.2017 and enabling the third respondent to complete the enquiry by affording opportunity to the petitioner as well as to the fifth respondent and pass final orders thereon. Till final orders are passed, the petitioner shall be continued as fair price shop dealer. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

27.06.2017
vs