

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO. 5989 OF 2018

ORDER:

The case of the petitioner is that he has been appointed on a temporary basis as a Fair Price Shop Dealer for Shop No.19 in the year 2004 and he has been continued ever since without any complaint whatsoever from any quarter. Now the respondents are making effort to appoint permanent dealer and in the process, there is every likelihood of terminating the petitioner. In those circumstances, the petitioner seeks a Writ of Mandamus declaring the action of the respondents in appointing third party as dealer for Shop No.19 as arbitrary and illegal.

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

4. Having considered the submissions made by the learned counsel for the petitioner and having perused the record, there is no dispute that the petitioner was appointed as a Fair Price Shop Dealer on a temporary basis vide orders dated 22.6.2004.

The very appointment order reads thus:

“The appointment is made on purely temporary basis and liable for termination at any time without assigning reason and giving notice. The appointment shall not devolve

any right while filling up of vacancy on regular basis.”

5. The very appointment of the petitioner was on temporary basis until a permanent dealer is appointed. There is no vested right in the petitioner to continue beyond the terms of appointment. The Writ of Mandamus cannot be granted in favour of the petitioner as sought for by him. However, till a new dealer is appointed on permanent basis, the petitioner would be required to be continued.

6. In those circumstances, Writ Petition is disposed of with a direction to the respondents to continue the petitioner until a Fair Price Shop Dealer is appointed on permanent basis for Shop No.19 at Balijapalli, Chinnamandem Mandal, Kadapa district.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 23.2.2018

KPM