

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7464 of 2018

ORDER:

In this writ petition, petitioner challenges the impugned notification dated 31.01.2018 inviting applications for appointment of a permanent fair price shop dealer to fair price shop No.25, R.Khanapuram Village, Gudur Mandal, Kurnool.

Petitioner claims to have been appointed as a temporary fair price shop dealer pursuant to proceedings dated 23.12.2016, and his dealership is terminable any time without prior notice.

Learned counsel for the petitioner contends that, once appointment is made, petitioner is entitled to be continued for a term of five years in terms of G.O.Ms.No.52 dated 18.12.2008; in the process of appointment, respondents are not following roster; petitioner is entitled to be issued prior notice; and, only, thereafter, he can be removed which may result in vacancy to which a notification can be issued for filling up the same.

Learned Government Pleader for Civil Supplies opposes the writ petition and submits that the petitioner has no vested right as he was a temporary dealer, and he cannot prevent appointment of dealer on permanent basis.

Temporary dealers do not have any vested right as they are bound by the terms of appointment. In so far as the contention that the respondents are not following the roster, while appointing fair price shop dealers, is concerned, it may be noted that the very notification was issued inviting applications from BC-B Women; in terms of G.O.Ms.No.4 dated 19.02.2011 read with G.O.Ms.No.10 dated 20.05.2014, petitioner is ineligible to be appointed as a dealer of fair price shop No.25, R.Khanapuram Village, Gudur Mandal, Kurnool since the said vacancy was reserved for BC-B Women; the proceedings, dated 23.12.2016, are categorical to the effect that the earlier dealer, Sri P.Venkateswarlu, had resigned and the incharge dealer, Smt B.Sheshamma, expressed her inability to discharge functions as a fair price shop dealer; in such circumstances, petitioner was appointed as a temporary fair price shop dealer; and his appointment was made on the recommendation of Tahsildar, Gudur Mandal, Kurnool and discretion of the Revenue Divisional Officer, Kurnool without any selection process. The order of appointment is specific that his appointment is temporary. This Court, in large number of cases, held that, a temporary dealer has no vested right, and the dealership is terminable as and when new appointments are made, and he cannot prevent appointment of permanent dealer.

In the circumstances, Writ Petition is devoid of merits and, is accordingly, dismissed. However, it is made clear that the petitioner shall continue to discharge the functions as a fair price dealer until fresh appointment is made pursuant to impugned notification.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 14.03.2018
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