

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8186 of 2018

%16.03.2018

V.Masthanaiah.

...Petitioner

VERSUS

\$ The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department, Secretariat Buildings, Velagapudi, Guntur District, A.P. & others

...Respondents

< GIST:

> HEAD NOTE:

!Counsel for Petitioner: K.Pallavi and Sri Venkata Rao
Ravulapalli

^Counsel for Respondents: G.P. for Civil Supplies (A.P)

? Cases referred



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8186 of 2018

ORDER:

Petitioner claims the benefit of G.O.Ms.No.16 dated 17.06.2013 on the ground that his father, being a fair shop dealer of shop No.21, Cheepinapi village, expired on 08.04.2017 and, as such, issuance of impugned notification inviting applications for appointment of permanent fair price shop dealer in respect of shop No.21 is illegal and arbitrary.

Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies.

There is no dispute that the petitioner's father was dealer and had expired on 08.04.2017. G.O.Ms.No.16 dated 17.05.2013 is an amendment to G.O.Ms.No.4 dated 19.02.2011 under which guideline No.12 (xiii) has been added. The said amendment reads as under:

“In the absence of the authorized F.P. Shop Dealer, the family members of the F.P. Shop Dealer i.e., Husband/Wife, Son and Unmarried Daughter may be allowed to authenticate with their UID.”

A careful reading of the above amendment does not support the claim of the petitioner to be eligible to be appointed as a fair price shop dealer in the place of deceased fair price shop dealer. The effect of newly added guideline No.12 (xiii) is to enable the family member of a fair price shop dealer to carry on the functions in the

absence of authorized dealer. Guideline No.12 (xiii) is a provision added to meet the contingency of temporary absence of a dealer on account of situations arising on emergency or otherwise, and not to deprive the authorized dealer that, at the given point of time, the authorized dealer was not present to discharge the functions and other family members were present. This provision does not extend to substituting the family member i.e. husband /wife /son /unmarried daughter in the place of deceased dealer. Admittedly, the petitioner, being more than 46 years is ineligible to be considered for appointment under G.O.Ms.No.4 dated 19.02.2011.

The Writ Petition is, accordingly, dismissed. However, the dismissal of the writ petition shall not be considered as impediment for any of the family members to be considered under G.O.Ms.No.4 dated 19.02.2011 for seeking appointment as a fair price shop dealer.

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

CHALLA KODANDA RAM,J

Date: 16.03.2018
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