

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13421 of 2009

ORDER :

Petitioner was the authorised fair price shop dealer appointed in 2001 in respect of shop No. 39010 of Laxminagaram Village, Dummugudem Mandal, Khammam District, but however, her authorisation was cancelled on 11.07.2002, by the 3rd respondent - Sub-Collector on the allegation of 'diversion of food for work rice' and 'non-submission of explanation'. The petitioner was issued the show cause notice alleging that she had violated the conditions of the scheme 'food for work'. Though the petitioner had responded to the said notice, it was recorded that she did not submit any explanation. The main allegation against the petitioner is that she failed to re-distribute the entire quantity of 'food for work' rice on the same day. Appeal to the 2nd respondent - Joint Collector and further Appeal to the 1st respondent - District Collector ended up in dismissal.

Heard learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies.

The question, which falls for consideration in this Writ Petition, is whether for violation of the conditions of 'food for work' scheme, even assuming the same to be true, the authorisation granted under the Andhra Pradesh Schedule Commodities (Regulation of Distribution by Card System) Order, 1973, can be cancelled.

This Court in Writ Petition No. 14006 of 2009 considered this issue and observed that '*Food for Work scheme is a temporary intervention of the State based on the contingency of providing work*

and getting certain of the jobs executed by providing essential commodities in lieu of wages' and as long as there is no violation of the conditions of the Control Order, the fair price shop licence cannot be cancelled for violation of the implementation of the 'food for work' scheme even assuming the same to be true. In that view of the matter, the impugned order being *ultra vires* the powers of the 3rd respondent, confirmation of the said order by the Joint Collector and further confirmation by the District Collector is of no avail.

In those circumstances, the Writ Petition is allowed setting aside the order dated 11.07.2002 of the 3rd respondent. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

05th November 2019

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