



W.P.(MD)No.19493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19493 of 2024

and

W.M.P(MD)Nos.16549 &16550 of 2024

Shenbagarajeswari

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi

2.The District Supply Officer and
Consumer Protection Officer,
Tenkasi District,
Tenkasi

3.The Taluk Supply Officer,
Kadayanallur,
Tenkasi District

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the impugned order passed in Na.Ka.COLR/5040/2024-Q6 by the 1st respondent dated 02.08.2024 and directing the respondents to permit the petitioner to continue her service as usual situated at Kambili Fair Price Shop, Kadayanallur Taluk, Tenkasi District.



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For Petitioner : Mr.S.Selva Kumar
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant Writ Petition has been filed by an Agent, who was appointed by the District Collector to run a fair price shop, challenging the order of transfer from one shop to another shop.

2. According to the learned counsel appearing for the petitioner, she is not an employee of the fair price shop, but she is an agent running the fair price shop on commission basis. Therefore, she cannot be transferred from one fair price shop to another fair price shop.

3. Per contra, the learned Special Government Pleader appearing for the respondents contended that due to certain allegations as against the writ petitioner, she has been transferred from one fair price shop to another fair price shop.

4. The learned Government Pleader relied upon G.O.Ms.No.237, Cooperation, Food and Consumer Protection Department, dated 20.07.1995, to



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contend that the petitioner having been appointed under the said Government Order, the District Collector is empowered to transfer the writ petitioner from one fair price shop to another fair price shop.

5. I have carefully considered the submissions made on either side, and I have perused the materials available on record.

6. A perusal of G.O.Ms.No.237, Cooperation, Food and Consumer Protection Department, dated 20.07.1995, reveals that the Government has decided to hand over the running of fair price shops to the link Societies or individual educated women in certain localities, wherein, there are more than 800 family cards.

7. A perusal of Clause 14 of the said Government Order reveals that in case of any irregularity by the agent in settling the accounts or in running the outlet, the link Society shall immediately stop supply to the agent, cancel the agency and undertake direct distribution to the card holders attached to the agent.



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8. Based upon the said Government Order, the petitioner has been appointed as an agent to run a fair price shop at Kambili, Sengottai Taluk by way of the proceedings of District Collector, Tirunelveli on 04.10.1995. A perusal of the said appointment order also reveals that the petitioner has been appointed as a commission agent to run the sub retail outlet. Therefore, it is clear that the petitioner is not an employee of the fair price shop at Kambili, but an agent running the said shop on commission basis.

9. In such circumstances, the order impugned in the writ petition, which declares the petitioner as an employee with the designation of the Record Clerk, is not legally sustainable. The petitioner, not being an employee of the fair price shop, the question of transferring her to another fair price shop would not arise. Therefore, the order impugned in the writ petition is not sustainable and the same is liable to be set aside and accordingly, it is set aside.

10. However, the 1st respondent is at liberty to initiate appropriate proceedings as per G.O.Ms.No.237, Cooperation, Food and Consumer Protection Department, dated 20.07.1995, in accordance with law.



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11. With the said observations, this Writ Petition stands allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

20.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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To

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Tenkasi

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Tenkasi

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R.VIJAYAKUMAR, J.

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