APHC010031282025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3311]
(Special Original Jurisdiction)

MONDAY ,THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 1624/2025

Between:

Sri Lanjepalli Koteswara Rao, **...PETITIONER**

AND

The State of Andhra Pradesh and others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. K SRINIVAS

Counsel for the Respondent(S):

1. GP FOR CIVIL SUPPLIES

The Court made the following:

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus or any other appropriate writ or order or direction declaring the action of the 2nd and 3rd respondents in forcibly taking resignation from the petitioner fair price shop No.0717062, Julakallu Village, Piduguralla Mandal, Guntur now Palanadu District is illegal, arbitrary and violation of Article 14, 19 and 21, consequently direct the 2nd and the 3rd respondent to withdraw the resignation of the petitioner by directing 2nd and 3rd respondent to supply the stock to the

petitioner fair price shop No.0717062, Julakallu Village, Piduguralla Mandal, Guntur now Palanadu District.

2. The case of the petitioner is briefly as follows:

The petitioner was appointed as a fair price shop dealer for fair price shop No.0717062, Julakallu Village, Piduguralla Mandal, Guntur now Palanadu District in the year 2019. While so, with the pressure of the 2nd and the 3rd respondents and some local political leaders, the petitioner had submitted his resignation on 21.11.2024 clearly indicates that the local political leaders aimed to seize the dealership for their preferred candidate. The petitioner's authorization has neither been suspended nor cancelled. Therefore, the respondents are obligated to supply stock to the petitioner's fair price shop, as the petitioner must supply stock to the cardholders for the upcoming month. The petitioner also needs to pay the demand draft for the allotment of stock to the fair rice shop to ensure uninterrupted supply to the cardholders.

3. The learned counsel for the petitioner submitted that the authorities have forcefully taken signatures of the petitioner on a letter prepared by the authorities as though the petitioner voluntarily applied for leave for six (6) months. He further submitted that as per Clause XII (x) of the G.O.Ms.No.32 Consumer Affairs, Food & Civil Supplies (CS.I) Department dated 03.12.2018, in case of medical grounds, the appointing authority may grant leave for a period of two months duly making alternative arrangements and seeking for leave beyond two months shall be treated as resignation for the dealership and the appointing authority shall issue notification for selection and appointment of a dealer for the fair price shop. He further submitted that in case of resignation, this Court held in **Chinnareddigari**

Sambasiva Reddy Vs State of A.P.[1] that a reasonable opportunity shall be given to the dealer to show whether the resignation is voluntary or not, since there is possibility of securing such letter under pressure, but without giving any opportunity to the petitioner, alternative arrangement was made for supply of the essential commodities.

> "Ordinarily, no fair price dealer would like to quit his assignment. If such extra-ordinary desire is expressed by any dealer, it is incumbent upon the appointing authority to put the dealer on notice before accepting the resignation as foul play by vested interests cannot be ruled out. Therefore, I cannot appreciate the action of respondent No.3 in purporting to ratify the hasty and unauthorised action of respondent No.4 without even trying to get the confirmation from the petitioner as to whether he has sent his resignation out of his free will or the same is secured by any vested interests by force. The failure of respondent No.3 to make an enquiry in this regard by issuing notice to the petitioner vitiates the entire action of respondent Nos.3 and 4 in easing out the petitioner from the fair price shop dealership. As respondent No.3 has not properly exercised his jurisdiction in acting on the purported resignation of the petitioner, his action culminating in acceptance/ratification of resignation of the petitioner is declared as illegal and the impugned order is, accordingly, set aside. As the petitioner is inclined to continue as the fair price shop dealer, he shall be permitted to continue as such under the authorization held by him."

[1] 2015(1) ALD 645

4. The learned Assistant Government Pleader for Civil Supplies representing the respondents placed on record the written instructions of the Tahsildar, Piduguralla, Palnadu District dated 22.01.2025. Basing on the same, he submitted that on 21.11.2024, the petitioner has voluntarily submitted the leave letter to grant leave for six months and he has not resigned as stated in the writ petition.

5. He further submitted that in view of the leave application, temporary alternative arrangement proposals were submitted to the Revenue Divisional Officer, Gurazala in Rc.No.494/2024 dated 30.11.2024 for replacing biometric authentication with Village Revenue Assistant, Julakallu village for distribution of essential commodities to the public from the month of December, 2024 onwards without any interruption.

6. The letter dated 21.11.2024 stated to be submitted by the petitioner seeking leave for six months does not indicate any reason, such as ill-health, for not being able to run the shop. It is not even supported by any documentary evidence, such as medical prescription, medical certificate.

7. Whether the leave letter was forcefully obtained or voluntarily submitted requires enquiry. The petitioner emphatically says that it was obtained by force. The circumstances indicate more in favour of the dealer’s version. In view of the above cited legal proposition, leave for a period of two months shall be treated as resignation. In case of resignation, as stated in the above cited decision, due enquiry shall be conducted. In the present case, as per the written instructions, it was neither accepted, nor was rejected and is kept in abeyance, but alternative temporary arrangement was made for distribution of the commodities.

8. Under these circumstances, the proposed action in making alternative arrangements for distribution of the commodities is not legal.

9. As such, the writ petition is allowed. The respondent authorities are directed to allow the petitioner to continue to act as a dealer ignoring the letter dated 21.11.2024 of the dealer, subject to fulfillment of the other conditions as required.

There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

B.S.BHANUMATHI, J

Date:17.02.2025
PNV