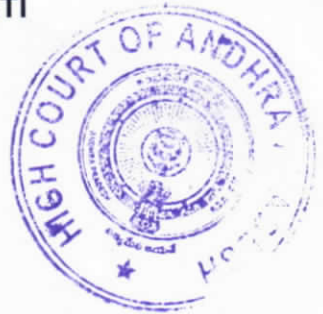


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 26618 OF 2022



Between:

Nayini Pedda Narsimhulu, S/o N.Madhanna, Aged 31 years, Hindu, Occ: Unemployed,
R/o D.No.3-206, Roomulu, Nandavaram Mandal, Kurnool District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary Department of Consumer Affairs, Food & Civil Supplies (CS-1), A.P.Secretariat, Velagapudi Amaravathi, Guntur District.
2. The District Collector, (CS), Kurnool, Kurnool District.
3. The Joint Collector, Kurnool, Kurnool District

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 3rd respondent in not considering the petitioner's representation Dt03-11-2021 for appointment of F.P. Shop Dealer on compassionate grounds in view of G.O.Ms.No.16 Dt17-06-2013 as illegal, irregular, arbitrary violative of principles of natural justice and violative of Articles 14, 21 of the Constitution of India and consequently direct the respondents to appoint the petitioner as F.P. Shop Dealer.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the petitioner's representation Dt:03-11-2021 pending disposal of the above writ petition.

Counsel for the Petitioner: SRI KALYAN C R

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following: Order

HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION No.26618 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents. Perused the material available on record.

2. With the consent of both parties, this Writ Petition is disposed of at the stage of admission.

3. The case of the petitioner is that the father of the petitioner was appointed as Fair Price Shop Dealer for the shop bearing No.1304017 of T.Somalaguduru village, Nandavaram Mandal, Krishna District and he performed his duties to the utmost satisfaction of the officers concerned and the cardholders attached to his shop. During the life time of the petitioner's father, a case under Section 6-A of the Essential Commodities Act, 1955 was initiated against him, but after conducting detailed enquiry, the said case was disposed of and the petitioner's father was permitted to continue as Fair Price Shop Dealer.

4. Learned counsel for the petitioner submits that the father of the petitioner died on 05.05.2020 due to COVID-19. The petitioner made a representation dated 03.11.2021 to the 3rd respondent i.e., the Joint Collector, Kurnool District to appoint him on compassionate grounds in terms of G.O.Ms.No.16

Consumer Affairs, Food & Civil Supplies (CS-1) Department, dated 17.06.2013 (For short G.O.Ms.No.16) as Fair Price Shop Dealer in the place of his father. He further submits that till date no decision was taken by the concerned authorities. Aggrieved by the same, the present Writ Petition has been filed.

5. On the other hand, learned Government Pleader for Civil Supplies appearing for the respondents submits that at present, the concerned Revenue Divisional Officer is the appointing authority and the petitioner has to submit his representation to the concerned Revenue Divisional Officer to consider his case, if he is otherwise eligible in terms of G.O.Ms.No.16, dated 17.06.2013.

6. Having heard the submissions of the respective counsels and on perusal of the material on record, it is an admitted fact that the father of the petitioner, who was appointed as Fair Price Shop Dealer, died on 05.05.2020. As per the contention of the learned counsel for the petitioner, for the sudden demise of his father, who is the breadwinner of their family, the entire family is in trauma and the petitioner could not submit his representation immediately before the concerned authorities seeking compassionate appointment. He further submits that due to wide spread of COVID-19 during the period 2020-21, the petitioner could not approach the concerned authorities to submit his representation. However, he made a representation

before the Joint Collector, Kurnool on 03.11.2021 seeking compassionate appointment and it is pending till now.

7. Considering the above facts and circumstances of the case, as already the Government has taken a policy decision and issued G.O.Ms.No.16, dated 17.06.2013 to provide compassionate appointment for the eligible family members of the deceased dealers, it is appropriate and reasonable to consider the case of the petitioner for appointment on compassionate grounds in the place of his deceased father, if he is otherwise eligible, to meet the interest of justice.

8. Accordingly, the Writ Petition is disposed of directing the Joint Collector, who is the 3rd respondent herein, to forward the representation of the petitioner, dated 03.11.2021 to the concerned Revenue Divisional officer for taking appropriate action. On receipt of the same, the concerned Revenue Divisional officer shall pass orders in terms of G.O.Ms.No.16 Consumer Affairs, Food & Civil Supplies (CS-1) Department, dated 17.06.2013 as expeditiously as possible. There shall be no order as to costs of the Writ Petition.

As a sequel, miscellaneous petitions pending, if any in the Writ Petition, shall stand closed.

**Sd/- T.MADHAVI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Department of Consumer Affairs, Food & Civil Supplies (CS-1), State of Andhra Pradesh, A.P.Secretariat, Velagapudi Amaravathi, Guntur District.
2. The District Collector, (CS), Kurnool, Kurnool District.
3. The Joint Collector, Kurnool, Kurnool District
4. One CC to Sri Kalyan C R, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
6. Two CD Copies

RAM 

HIGH COURT

DATED:23/08/2022

ORDER

WP.No.26618 of 2022



**DISPOSING OF THE WP
WITHOUT COSTS**

8
27/8/22
TF