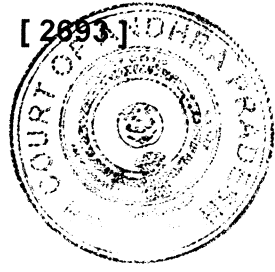


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



IA No. 1 OF 2020

IN

WP NO: 14521 OF 2020

Between:

Gona Raghavendra Rao, S/o. Late G Rama Krishnaiah, aged about 28 years,
R/o.D.No.2-17, Annavarapulanka Post, Suggunalanka village, Kolluru Mandal, Guntur
District

...Petitioner/Petitioner
(Petitioner in WP 14521 OF 2020
on the file of High Court)

AND

1. The State of AP, rep by its Principal Secretary, Consumer Affairs and Civil Supplies Dept, Secretariat buildings, Velagapudi, Amaravathi, Guntur District
2. The District Collector (CS), Guntur District, Guntur.
3. The Joint Collector & Additional District Magistrate, Guntur District
4. The Revenue Divisional Officer, Tenali, Guntur District.
5. The Tahsildar, Kolluru Mandal, Guntur District.

...Respondents/Respondents
(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the point No.6 (viii) in the GOMs.No.4, Consumer Affairs, Food and Civil Supplied (CS-1) Dept, dt.28.4.2014 by considering the case of Petitioner for compassionate appointment, pending disposal of WP No.14521 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K K DURGA PRASAD Advocate for the Petitioner and of GP FOR CIVIL SUPPLIES for the Respondents, the Court made the following

ORDER:

“Case of the petitioner is that, his father was appointed as fair price shop dealer for shop No.0730016 of Suggunalanka village, Kolluru Mandal, Guntur District and he passed away on 03.07.2019; after the death of his father, petitioner submitted application on 29.09.2019 to the respondents seeking appointment as permanent dealer of subject fair price shop on compassionate grounds as per G.O.Ms.No.4, Consumer Affairs, Food & Civil supplies (CS-1) Department dated 28.02.2014 and the same was rejected by the 2nd respondent through an endorsement dated 13.12.2019 on the ground that petitioner was involved in Cr.No.171 of 2019 under Section 498-A of IPC of Kolluru PS and charge sheet has been filed; challenging the said endorsement and also para 6(viii) of G.O.Ms.No.4, Consumer Affairs, Food & Civil supplies (CS-1) Department dated 28.02.2014, the present writ petition is filed.

Para 5(viii) of G.O.Ms.No.4 dated 28.02.2014 reads as follows:

“While appointing the wife/son/daughter on compassionate grounds as fair price shop dealer it shall be ensured that he/she shall have clean record without having any criminal cases.”

Said clause says that a candidate should have clean record without any criminal cases. So far as the present case on hand is concerned, basing on the complaint given by the wife, charge sheet has been filed against the petitioner and the said case is still pending. Basing on the judgment of the Hon'ble Supreme Court in 'Public Interest Foundation vs. Union of India' [(2019) 3 SCC 224], learned counsel

for the petitioner seeks consideration of his case for appointment as fair price shop dealer by suspending the para 6 (viii) of G.O.Ms.No.4 dated 28.02.2014.

As the guilt or otherwise of the petitioner is not yet decided, as the said criminal case filed by the wife, is still pending consideration, it cannot be said that petitioner does not have a clean record. In view of the same, District Collector-CS, Guntur is directed to consider the case of the petitioner for appointment as fair price shop dealer, subject to outcome of the criminal case, which is pending against him".

SD/- G. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Consumer Affairs and Civil Supplies Dept, State of AP, Secretariat buildings, Velagapudi, Amaravathi, Guntur Dist.
2. The District Collector (CS), Guntur District, Guntur.
3. The Joint Collector & Additional District Magistrate, Guntur (Dist)
4. The Revenue Divisional Officer, Tenali, Guntur District.
5. The Tahsildar, Kolluru Mandal, Guntur District. (Addresses 1 to 5 by RPAD)
6. One CC to SRI K K DURGA PRASAD Advocate [OPUC]
7. Two CCs to GP FOR CIVIL SUPPLIES, High Court of Andhra Pradesh. [OUT]
8. One spare copy

HIGH COURT

KVLJ

DATED:08/09/2020

ORDER

IA.NO.1 OF 2020
IN
WP.No.14521 of 2020

DIRECTION

