



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

[3333]

WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 14521/2020

Between:

1. GONA RAGHAVENDRA RAO,, S/O. LATE G RAMA KRISHNAIAH,
AGE 28 YEAR R/O.D.NO.2-17, ANNAVARAPULANKA POST,
SUGGUNALANKA VILLAGE, KOLLURU MANDAL, GUNTUR
DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY,
CONSUMER AFFAIRS AND CIVIL SUPPLIES DEPT, SECRETARIAT
BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DIST.
2. THE DISTRICT COLLECTOR CS, GUNTUR DISTRICT, GUNTUR.
3. THE JOINT COLLECTOR 86 ADDITIONAL DISTRICT MAGISTRATE, ,
GUNTUR (DIST)
4. THE REVENUE DIVISIONAL OFFICER, TENALI, GUNTUR DISTRICT.
5. THE TAHSILDAR, KOLLURU MANDAL, GUNTUR DISTRICT.

...RESPONDENT(S):

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 topleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction declaring the point No.6 viii in the GOMs.No.4, dt.28.4.2014 is illegal, arbitrary and contrary to Article 14, 19(1)(g) and 21 of the Constitution of India as null and void, consequently setting aside the

impugned endorsement vide Rc.No.916/2019-S5, dt.13-12-2019 issued by the 2nd Respondent rejecting the Petitioner claim of compassionate appointment on the ground that the Petitioner herein is involved in Crime.No.171/2019 u/s 498A IPC of Kolluru Police Station pending consideration and pass

IA NO: 1 OF 2020

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 suspend the point No.6 (viii) in the GOMs.No.4, consumer Affairs, Food and civil Supplies (CS-1) Dept, dt.28.4.2014 by considering the case of Petitioner for compassionate appointment, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.K K DURGA PRASAD

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

“.... issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction declaring the point No.6 (viii) IN THE G.O.Ms.No.4, dated 28.04.2014 is illegal, arbitrary ad contrary to Article 14, 19(1)(g) and 21 of the Constitution of India as null and void, consequently setting aside the impugned endorsement vide Rc.No.916/2019-S5, dated 13.12.2019 issued by the 2nd respondent rejecting the petitioner claim of compassionate appointment on the ground that the petitioner herein is involved in Crime No.171/2019 under Section 498-A of IPC of Kolluru Police Station pending consideration....”

2. The brief facts of the case are as follows:

a) The petitioner's father was appointed as fair price shop dealer for Shop No.0730016 of Suggunalanka village, Kolluru Mandal, Guntur District. He passed away on 03.07.2019. After the death of his father, the petitioner has been distributing essential commodities to the cardholders and has been discharging the duties diligently, without any complaint.

b) The petitioner submitted an application on 29.09.2019 to the respondents seeking appointment as permanent Fair Price Shop dealer for subject shop on compassionate grounds as per G.O.Ms.No.4, Consumer Affairs, Food & Civil Supplies (CS-1) Department dated 28.02.2014. The 2nd respondent rejected the said application vide endorsement dated 13.12.2019 on the ground that the petitioner was involved in Crime No.171 of 2019 of Kolluru Police Station under Section 498-A of IPC and a charge sheet has

been filed. Aggrieved thereby, the petitioner filed by the present writ petition challenging both the endorsement dated 13.12.2019 and paragraph 6(viii) of G.O.Ms.No.4, Consumer Affairs, Food & Civil Supplies (CS-1) Department dated 28.02.2014.

Para 6(viii) of G.O.Ms.No.4, dated 28.02.2014 reads as under:

“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.”

3. When the writ petition came up for admission on 08.09.2020, this Court passed the following interim order:

“.....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.”

4. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies.

5. Learned Assistant Government Pleader for Civil Supplies has stated that in view of the interim order granted by this Court on 08.09.2020, the petitioner is being continued as the Fair Price Shop dealer.

6. Under similar circumstances, this Court in **Banoth Ramesh vs. State of A.P. represented by its Principal Secretary for Civil Supplies, Hyderabad and others**¹, wherein it was categorically held as follows:

“4. In the absence of any provision bringing about automatic termination of the authorization on account of the pendency of a criminal case, the petitioner cannot be deprived of his right to run the fair price shop on the mere allegation of registration of a criminal case, that too on a charge, which is unconnected with the running of the fair price shop. So long as the petitioner’s authorization subsists, he is entitled to function as the fair price shop dealer.”

7. After considering the submissions and the material placed on record, this Court observed that the petitioner’s claim for compassionate appointment was rejected only because of pending of criminal case under Section 498-A IPC as against him. Admittedly, the said case has no connection with the functioning of the Fair Price Shop. Mere pendency of a criminal case does not prove that the petitioner is guilty, and it cannot be a reason to deny compassionate appointment unless the law specifically prohibits it or the petitioner is actually found guilty.

8. In view of the foregoing discussion, this Court is of the considered opinion that the Writ Petition is allowed and the endorsement vide Rc.No.916/2019-S5, dated 13.12.2019 issued by the 2nd respondent is set-aside. The respondents are directed to consider the petitioner’s application dated 29.09.2019, which was filed seeking compassionate appointment and

pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:12.11.2025
KGR

JUSTICE V.SUJATHA