

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37869 OF 2017

ORDER:

The case of the petitioner is that she is a permanent fair price shop dealer of shop No.24, Siddanakonduru Village, Kaligiri Mandal, SPSR Nellore District and has been supplying essential commodities to the card holders without any complaint whatsoever. When the petitioner fell ill, she submitted a letter dated 19-05-2017 before the 4th respondent requesting him to entrust shop to some other person as in-charge. Considering the same, 4th respondent attached the petitioner's shop to the neighbouring dealer from the month of June, 2017. After recovering from ill-health, the petitioner filed a representation dated 13-09-2017 before the 4th respondent that her permission may be restored to supply essential commodities. As there was no response from the 4th respondent, the petitioner has submitted a representation to the 3rd respondent on 25-09-2017 requesting him to direct the 4th respondent to supply essential commodities. But the 3rd respondent has not taken any action except made endorsement 'please put up'. Hence, the petitioner filed a representation on 06-10-2017 to the 2nd respondent. On that the 2nd respondent addressed the 4th respondent vide proceedings dated 25-10-2017 directing him to take appropriate action in the matter. As no action has been taken, the present writ petition is filed.

After filing writ petition, learned Government Pleader for Civil Supplies produced order dated 25-10-2017 stating that resignation of the petitioner was accepted and alternate arrangements were made. WPMP.No.50188 of 2017 is filed by the petitioner for amendment of prayer in the writ petition challenging the said order.

Learned counsel for the petitioner submits that though the petitioner made application on 19-05-2017 stating that she is not well. Even letter sent by the petitioner is treated as resignation letter before the same is accepted, the petitioner made representation on 13-09-2017 to the 4th respondent and as no action has been taken, she again made representation 25-09-2017 to the 3rd respondent and another representation to the 2nd respondent seeking supply of stocks stating that she is recovered from ill-health making it clear her intention that she wants restoration of fair price shop authorization. The 4th respondent kept the matter with him and Office put up the same on 24-10-2017 even before the said application is put up before the competent authority, the petitioner filed representations on 13-09-2017, 25-09-2017 making her intention clear that she wants to restore her fair price shop authorization.

Learned Assistant Government Pleader for Civil Supplies says that once resignation is accepted, the petitioner cannot have any grievance and she is having alternate remedy of appeal.

But in this case, there are no factual disputes about submission of representation of the petitioner on 16-05-2017, subsequent representations on 13-09-2017 and 25-09-2017. In view of the same, before the petitioner's application for resignation was accepted, the petitioner filed representations dated 13-09-2017 and 25-09-2017, but no action has been taken on the application filed before the 2nd respondent.

In view of the same, it is not open for the 4th respondent to send resignation letter to the 3rd respondent and the 3rd respondent would not have accepted resignation on 25-10-2017, which is tendered on 16-05-2017 when the petitioner resiled from the same by subsequent representations.

Having regard to the above, the impugned order dated 25-10-2017 is set aside and accordingly, the writ petition is allowed. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30-11-2017

Note:

Issue CC in one week.

B/o.

Nvl



