
(2022) 09 J&K CK 0012
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 1860 Of 2022

Hamidullah Mir	Vs	APPELLANT
Union Territory Of J&K And Others		RESPONDENT

Date of Decision : 01-09-2022

Acts Referred:

Constitution Of India, 1950 — Article 14, 16, 21

Citation : (2022) 09 J&K CK 0012

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Majid Bashir

Final Decision : Dismissed

Judgement

Sanjeev Kumar, J

1. The petitioner is a Fair Price Shop Dealer appointed by the Department of Food Civil Supplies and Consumer Affairs. He is aggrieved of and has assailed order No.424-DFCS&CAK of 2022 dated 20.06.2022 issued by the Directorate of Food Civil Supplies and Consumer Affairs Department, Kashmir, whereby the Fair Price Shop License issued in favour of the petitioner for the location Latishot Tehsil Sopore District Baramulla has been suspended with immediate effect till the petitioner mends his behavior. The impugned order further provides that while the Fair Price Shop License of the petitioner remains under suspension, the Assistant Director, FCS &CA, Baramulla shall divert the foodgrains of the rationees attached to the petitioner to the nearest government sale centre as per the convenience of the rationees.

2. The impugned order is challenged by the petitioner on the ground that same is arbitrary, discriminatory and violative of Article 14, 16 and 21 of the Constitution of India. It is submitted that the respondents have suspended the license of the petitioner without conducting any enquiry and on the basis of totally unfounded and baseless insinuations. The impugned order is also called in question on the

ground that the respondents have acted against their own Circulars, Rules and Regulations and have also, in the process, violated the directions of this Court passed in OWP No.849/2016 and WP(C) No.362/2021.

3. Having heard learned counsel for the petitioner and perused the material on record, I find no illegality or infirmity in the impugned order.

4. From a bare reading of the impugned order, it clearly transpires that the petitioner was granted Fair Price Shop License for the location Latishot in the year 2007 vide Order No.429-CA&PD/Plg of 2007 dated 13.08.2007 to deal with transactions for sale and storage of food grains and sugar under Public Distribution System to the consumers of Village Latishot Sopore. In the year 2022, the respondents received multiple complaints from the rationees with regard to non-issuance of ration to various rationees attached with the Fair Price Shop of the petitioner despite biometric authentication taken from them through PoS device. It was also reported by the Tehsil Supply Officer, Sopore-A through series of communications that the petitioner was not submitting the monthly grains and bag statements and was also reluctant in remitting the cash for foodgrains, e-bags. It was specifically pointed out that the petitioner had not remitted cash of foodgrains for the month of February, 2022. There were other complaints against the petitioner.

5. Taking cognizance of the large scale irregularities indulged into by the petitioner, the Assistant Director, FCS&CA, Baramulla issued a show cause notice to the petitioner on 25.05.2022. The petitioner submitted his response to the show cause notice but could not clarify the points raised in the show cause notice. That apart, rationees attached with the petitioner also submitted a written representation through TSO concerned that behaviour of the petitioner was very rude and that they were not being treated fairly by the petitioner.

6. Taking note of the above facts, the competent authority took a decision to suspend the license of the petitioner with immediate effect and divert the foodgrains of the rationees to the nearest government sale centre. Ordinarily, having regard to the nature of complaints that were pouring in against the petitioner, the respondents could have cancelled the license but with a view to give an opportunity to the petitioner to improve his work and conduct, the Fair Price Shop License of the petitioner was only suspended. Suspension of the license was ordered only after the petitioner was given reasonable opportunity to show cause by the Assistant Director concerned. It is only on the failure of the petitioner to submit convincing reply to the show cause notice, the impugned order was passed and the Fair Price Shop License of the petitioner was suspended.

7. The petitioner could not point out as to which of the circulars protects the petitioner from suspension of his license even if he is proved to have prima facie indulged in large scale irregularities and illegalities in running the Fair Price Shop. Learned counsel for the petitioner also could not point out as to how action taken

by the respondents runs counter to the directions passed by this Court.

8. For the foregoing reasons, I find no merit in this petition and the same is, accordingly, dismissed. The respondents may review suspension of the Fair Price Shop License issued in favour of the petitioner after he mends his ways and undertakes to run the Fair Price Shop to the best satisfaction of the rationees and in a manner, which is proper, fair and just.