

(2012) 10 CAL CK 0121
In the Calcutta High Court
Case No : Writ Petition No. 17209 (W) of 2012

Sri Bikash Malakar

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 12-10-2012

Acts Referred:

Citation : (2012) 10 CAL CK 0121

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Satyajit Mondal and Mr. Amar Nath Sen, for the Appellant; Pantu Deb Roy and Mr. Ansar Mondal for the State, for the Respondent

Judgement

Hon'ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art. 226 dated July 31, 2012 is questioning a notice to show cause cum suspension order dated December 6, 2010 (WP p.31) issued by the Sub-divisional Controller (F & S), Mathabhanga. The petitioner is a Fair Price Shop owner within the meaning of the West Bengal Public Distribution System (Maintenance and Control) Order, 2003.
2. Making allegation of misappropriation and other irregularities the Sub-divisional Controller issued the impugned show cause notice cum suspension order under para. 21 of the Control Order. The petitioner submitted his reply dated January 17, 2011 (WP p.33) to the notice.
3. The Sub-divisional Controller did not take any step for concluding the proceedings within the statutory three-month period. In view of a Division Bench decision of this Court in Md. Yeasin and Others Vs. State of West Bengal and Others, he could not keep the suspension in force beyond three months.
4. The big question is why the Sub-divisional Controller remained silent. The bigger question is why the District Controller of Food and Supplies also decided to remain silent. There is no reason to proceed on the basis that the delay was

not likely to give the petitioner advantage; for the delay was bound to cause loss of evidence.

5. In my opinion, it is necessary for the State Government to look into the matter so that appropriate steps can be taken for protecting the interests of the Public Distribution System and punishing the persons, if any, guilty of dereliction of duties.

6. For these reasons, I dispose of the WP ordering as follows.

7. The suspension part of the notice cum order is hereby set aside. The Sub-divisional Controller and the District Controller shall take steps within a fortnight for restoring the petitioner's Fair Price Shop ownership position that was existing at the date of his suspension.

8. Within four weeks from the date this order is served the Secretary, Food and Supplies Department, Government of West Bengal shall examine the whole matter and issue necessary directions for conclusion of the termination proceedings initiated by the impugned notice cum order. No costs. Certified xerox.