

Court No. - 6

Case :- WRIT - C No. - 38592 of 2023

Petitioner :- Gulam Gaush

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Gaurav Sisodia

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Gaurav Sisodia, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with a prayer to quash the impugned suspension order dated 17.10.2023 passed by Respondent No.2 whereby the petitioner's fair price shop agreement has been suspended and a further prayer to direct the Respondent No.2 to restore the supply of the petitioner's fair price shop situated at Village-Nakti Narianpur, Tehsil-Nawabganj, District-Bareilly.

Learned counsel for the petitioner submits that the aforesaid order is bad in the eye of law, as it is in violation to the government's order which clearly stipulates that the delinquent has to be informed about the proposed punishment. In the present case, the suspension order does not speak about any punishment. In support of his submission, he has placed reliance upon a judgment passed in **Writ-C No.51954 of 2017 (Hublal Shah @Hublal Sahu vs. State of U.P. And 2 Others)**

In view of the ratio of laws laid down in the aforesaid judgment, the order dated 17.10.2023 passed by Respondent No.2 is **quashed**.

With the aforesaid observations/direction, the writ petition stands **allowed**, accordingly.

Order Date :- 21.11.2023

Kalp Nath Singh