

Court No. - 8

Case :- WRIT - C No. - 5114 of 2023

Petitioner :- Ithikar Vasim

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies, Lucknow And Another

Counsel for Petitioner :- Satish Kumar Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

Heard learned counsel for petitioner and learned Standing Counsel for the State-respondents.

The present petition has been filed by the petitioner challenging the suspension order-cum-show cause notice dated 03.06.2023.

The contention of learned counsel for petitioner is that the petitioner was running his fair price shop and was served with show cause notice dated 06.06.2022 alleging certain averments based on the material collected. It is argued that the said show cause notice has not resulted in any order being passed, however, on the basis of fresh inspection done on 16.02.2023, further allegations were levelled in the fresh show cause notice-cum-suspension order dated 03.06.2023. It is proposed to be argued that in view of the law laid down by this Court in the cases of **Amrit Lal v. State of U.P. and others (WRIT-C No.7552 of 2022)**, decided on 09.11.2022 and **Mumtaz Ali v. State of U.P. and others (WRIT-C No.9396 of 2022)**, decided on 22.12.2022, the suspension order is not an appropriate exercise of power as the allegations levelled by the card holders were not cross checked from the e-poral.

From perusal of the order dated 03.06.2023, it is clear that fresh allegations were levelled on the basis of inspection carried out on 16.02.2023 and the allegations were levelled by various card holders against the petitioner in an inquiry held subsequent to 16.02.2023.

Considering the nature of allegations levelled, it is clear that besides the complaint of card holders, certain other irregularities were also noticed by the inspection team on 16.02.2023. Reliance placed by learned counsel for petitioner on the judgment in the cases of **Amrit Lal v. State of U.P. and others (supra)** and **Mumtaz Ali v. State of U.P. and others (supra)** cannot be accepted.

The petitioner has not filed any reply to the second show cause

notice dated 03.06.2023, as such without interfering in the said order, the present petition is disposed of with the observation that in the event, the petitioner files reply to the second show cause notice dated 03.06.2023 within a period of one week from today, final order shall be passed by the respondents within a period of two months from the date of filing of reply in accordance with law. While passing the order, the respondents shall take into account the mandatory provisions of Government Order dated 05.08.2019.

Order Date :- 10.10.2023

Renu/-