

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Reserved on 08.10.2025
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CJ Court

WP(C) No. 2105/2025 (O&M)

c/w

CCP(S) No. 191/2023

WP(C) No. 489/2023

WP(C) No. 333/2023

CCP(S) No. 375/2023

WP(C) No. 501/2023

WP(C) No. 633/2023

WP(C) No. 759/2023

WP(C) No. 795/2023

WP(C) No. 975/2023

WP(C) No. 987/2023

WP(C) No. 1672/2023

WP(C) No. 1844/2023

WP(C) No. 1882/2023

WP(C) No. 1898/2023

WP(C) No. 1904/2023

WP(C) No. 1984/2023

WP(C) No. 1999/2023

WP(C) No. 2055/2023

WP(C) No. 2097/2023

WP(C) No. 2100/2023

WP(C) No. 2161/2023

WP(C) No. 2193/2023

WP(C) No. 2439/2023

WP(C) No. 2987/2023

WP(C) No. 2464/2025

Mohammad Ashraf Wani and others ...Petitioner(s)/Appellant(s)

Through: Mr. Bhat Fayaz, Adv.
Mr. Hilal Ahmad Wani, Adv.
Mr. Sheikh Mushtaq, Adv.
Mr. Raja Rameez, Adv.
Mr. Mohd. Rafiq Bhat, Adv.
Mr. Altamash Rashid, Adv.
Mr. Shariq J. Reyaz, Adv.
Mr. Gulzar Ahmad Bhat, Adv.
Mr. Aashiq Hussain, Adv.
Mr. T. A. Lone, Adv.

v/s

Union Territory of J&K and others

.... Respondent(s)

Through:

Mr. Hakim Aman Ali, Dy.AG

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL. J

1. In view of the identical issues involved in these writ petitions, they were heard together and are being disposed of by this common judgment.
2. The petitioners in these writ petitions are the fair price shop dealers, who have been allotted fair price shops primarily in terms of Government of J&K's order No.127-FCS&CA of 2016 dated 04.08.2016 and number of other petitioners have been allotted the fair price shops under the various other orders issued from time to time.
3. As a matter of fact, to maintain supplies and secure availability and distribution of essential commodities, namely food grains under the Targeted Public Distribution System, the Ministry of Consumer Affairs, Food and Public Distribution, Government of India, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955, issued and published G.S.R. 213(E) dated 20.03.2015 nomenclated as Targeted Public Distribution System (Control) Order, 2015 (**for short 'the order of 2015'**), in supersession of Public Distribution System (Control) Order, 2001. Thereafter, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955, read with Clause 9 of

the Order of 2015, the Commissioner/Secretary to the Government, Department of Food, Civil Supplies and Consumer Affairs, Civil Secretariat, Jammu/Srinagar i.e. respondent No. 1 issued an S. O. 41 dated 19.01.2023 (**for short 'the SO 41'**) thereby superseding all previous orders issued in that behalf.

4. All the petitioners are aggrieved of S.O. 41 dated 19.01.2023 and as such, have filed these petitions for quashing of the same on the grounds that it has the effect of reducing their business and renewal fee of ₹1,000/- after every five years cannot be imposed on the petitioners. The grievance of the petitioners is also that SO 41 prescribes maximum age of a fair price shop dealer as 65 years, whereas no such restriction in respect of the age was earlier provided in any of the orders in respect of the allotment of fair price shops. The petitioners have mainly banked upon the order dated 127-FCS&CA of 2016 dated 04.08.2016 to assail SO 41 on the premise that it has the propensity to reduce the ration tickets to 1,500 souls or 200 families in rural areas and not more than 2,000 souls or less than 300 families in urban areas, whereas in terms order No. 127-FCS&CA of 2016 dated 04.08.2016, the minimum ration tickets were fixed as 250 with upper limit of 499 ration tickets. It is also contended by the petitioners that SO 41 could not have been applied retrospectively as the petitioners have been deprived of their vested rights to have assured number of ration tickets in terms of earlier order(s) issued from time to time, wherein no such provisions for reduction of number of ration tickets and age of fair shops dealers were provided by the respondents.

The petitioners have also relied upon the doctrines of 'legitimate expectation' and 'promissory estoppel' to assail SO 41 by submitting that in view of the orders issued earlier, the petitioners were assured about the number of ration tickets for the purpose of running the fair price shops to earn their livelihood and by acting upon the assurance of the official respondents, the petitioners have altered their positions and at this stage, the petitioners cannot even join the Government service because of being over age, therefore, the SO 41 impugned has the effect of snatching the livelihood from the petitioners, as otherwise also the petitioners are earning meager commission from the sale of food grains. It is also contended that in terms of earlier orders issued under Public Distribution System (Control) Order, 2001, the petitioners had a determined area of 1.5 kms to 2 kms issued by the respondents only and now the respondents cannot be permitted to make a departure from the promise made to the petitioners. It is also contended by the petitioners that Clause 22(4) of the impugned SO 41 is coercive in nature and once the petitioners have been appointed as dealers prior to the issuance of SO 41, they cannot be forced to deposit ₹1,000/- as license fee for issuance of license in terms of SO 41 dated 19.01.2023.

5. The respondents have objected to the maintainability of these writ petitions on the ground that neither the National Food Security Act, 2013 nor the Order of 2015 has been assailed by the petitioners. They have also stated that pursuant to section 3 of the Essential Commodities Act, 1955 vide GSR-630 (E) dated August, 2001, the Ministry of Consumer Affairs,

Food and Public Distribution, Department of Food and Public Distribution had issued an order under the name and style of “Public Distribution System (Control) Order 2001” for the purpose of maintaining supplies and distribution of the essential commodities under PDS. The Department of Food Civil Supplies and Consumer Affairs, J&K pursuant to the said order issued certain guidelines in respect of opening of fair price shops on commission basis but the guidelines were not comprehensive. The Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, Government of India enacted a law under the name and style of “The National Food Security Act, 2013 (NFSA)” in order to provide food and nutritional security to human life, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. It is further stated that the erstwhile State Cabinet vide its decision dated 02.12.2015 conveyed approval for implementation of the National Food Security Act, 2013 in the erstwhile State of J&K w.e.f. 01.02.2016. Under the Act, State/UTs are responsible for effective implementation of the Act which *inter alia* includes identification of eligible households, issuing ration cards to them, distribution of food grains to eligible households through fair price shops (FPS), issuance of licenses to fair price shop dealers and their monitoring, end to end computerization and necessary strengthening of Targeted Public Distribution System. The Central Government vide GSR-649 (E) dated 21.08.2015 had notified an order commonly known as “The Targeted Public Distribution System (Control) Order 2015” in

terms of Essential Commodities Act, 1955 and in consonance with the National Food Security Act, 2013 by virtue of which the Public Distribution System (Control) Order 2001 was repealed. As such, whatever orders were issued by the Central or the State Government in respect of distributions of PDS items, prior to the Order of 2015 also stood repealed. It is the further stand of the respondents that the Department of Food, Civil Supplies and Consumer Affairs, J&K, in terms of Clause 9 of order of 2015 through the medium of Government Order No. 127-FCS&CA of 2016 dated 04.08.2016 read with Government Order No. 147-FCS&CA of 2016 dated 06.09.2016 read with Government Order No. 352-FCS&CA of 2017 dated 24.08.2017 and the Government Order No. 70-FCS&CA of 2018 dated 12.03.2018, issued certain guidelines for opening of new fair price shops for maintaining the supplies and distribution thereof, to the entitled beneficiaries in light of the National Food Security Act, 2013. The guidelines issued vide the above said Government Orders from time to time, were to be framed under Clause 9 of the Order of 2015 by issuing a notification in the Government Gazette as was done by all other States, but instead, the Department issued guidelines in the shape of Government orders, which were found to be inadequate and having numerous deficiencies/lacunas. Resultantly, the Department was confronted with number of litigations on the subject, because the said guidelines on various subjects viz. mode and manner of inviting applications for grant of license, eligibility criteria for license, period for issuance of license and appeal etc., were either silent

or the provisions were ambiguous in nature and not so comprehensive. It is further stated that various States/UTs have taken such reformative steps by issuing control order immediately after implementation of Order of 2015, but in Jammu and Kashmir, it was not done. It is further averred that a decision was taken by the Government to replace the existing policy purely in the interest of bringing better policy norms for regulating the PDS in the UT of Jammu and Kashmir, and it was in fact one of the requirements under the Order of 2015 issued by the Government of India. As a matter of fact, Public Distribution System is a major State intervention to ensure the food security of the people, especially the poor. The Public Distribution System operates through a large distribution network of fair price shops and is supplemental in nature. Under the Public Distribution System, the Central Government is responsible for procuring and transporting the food grains up to the principal distribution centers of the Food Corporation of India, whereas the State Governments are responsible for the identification of the families living below the poverty line, the issuance of ration cards, and the distribution of food grains to the vulnerable sections of the society through the FPS. The respondents are in fact performing the duty in the true spirit of Article 47 read with Article 39-A of the Constitution of India. In UT of Jammu and Kashmir, the targeted population for the supply of food grains under the National Food Security Act, 2013 is around 97,05,309 as per latest portal figures and for a population of this dimension residing in rural/urban areas, the Government is obliged to evolve a foolproof mechanism

ensuring distribution of food grains as per the policy of the Central Government. It is averred by the respondents that no person can claim monopoly over any work to the exclusion of the others. Under the new policy, fair price shops are to be opened within 1.5 to 2 kms radius to cater the needs of the rationees and every fair price shop would cater not more than 1,500 souls and less than 200 ration cards in rural areas and not more than 2,000 souls and less than 300 ration cards in urban areas and this would ensure that no impediment or inconvenience is caused to the public and the fair price shops functions smoothly. The respondents have mentioned the details of the new policy of distribution as contained in Order of 2015 to assert that the same was framed and the relevant Control Orders were issued, to ensure the proper supply of the food grains to the vulnerable sections of the society and to secure its availability to raise the level of nutrition of the ordinary citizens of the country. It is further averred by the respondents that in order to ensure sustainability of fair price shops, they have made many financial interventions i.e. (i) release of the central portion/share of commission in advance under National Food Security Act w.e.f. April 2022 on monthly basis out of Department's revolving fund, pending its release by the Government of India, (ii) enhancement of their commission from Rs.143 per quintal to Rs.180 per quintal w.e.f. April, 2022 under the National Food Security Act and (iii) enhancement of their commission from Rs.143 per quintal to Rs.180 per quintal w.e.f. April 2023 under all schemes. The Government is also examining a proposal to consider

allowing sale of commodities other than the food grains and scheduled commodities distributed under the Targeted Public Distribution System at the fair price shop to further improve the viability of the fair price shop operations. Both the Directorates of the Department vide letter dated 07.06.2023 have been requested by the respondents to suggest non-PDS commodities for considering their distribution/selling by the fair price shop dealers. It is further stated that in terms of policy order No. 127-FCS&CA of 2016 dated 04.08.2016, the matter of selection of fair price shop dealers was not in accordance with section 12 of the National Food Safety Act, 2013 as well as Clause 9 of the Order of 2015. The said order somewhat used to run against the spirit of competitiveness and was ousting the participatory rights of the eligible local villagers and thus was susceptible to defeat the objects of the Public Distribution System. Therefore, to bring complete fairness and transparency in the process of selection of fair price shop dealers, a proper criterion has been defined in Clause 17 of this order for the purpose of selection of the fair price shop dealer. So far as laying down the age of 65 years for retaining the dealership is concerned, the age is quite reasonable as the people in all the professions tend to avoid work at this stage of life, and in case of fair price shop dealers, it also involves physical labour. However, upon attaining this age, they can get their license transferred to their eligible dependent family member, which should be seen as a big concession to secure and protect the interest of the fair price shops. So far as refixing of numbers of ration cards and souls in the Control Order is concerned, it is

stated that each fair price shop has been assigned a reasonable number of beneficiaries as per new policy keeping in view the financial aspects of their working and requirements of the department. There is persistent demand of the public to increase the number of sale centers to their convenience as far as possible. In fact, maximum demands received by the Department during visits of the dignitaries or during public outreach programmes of the Government pertain to increase the number of sale centers and make these commodities available to people, as near as possible to their residences. The wishes of the fair price shop dealers, who want to retain maximum ration cards attached to them and earn bigger commission run contrary to the persistent public demand. Further, some disparity in maximum number of beneficiaries has been allowed in urban and rural centers, keeping in view the greater density of population in urban areas as compared to lesser density in rural areas. The business running charges are relatively higher in urban areas as compared to rural areas. The assertion of the petitioners against prescribing the renewal fee has been replied by the respondents by stating that this is completely unfounded and illogical as there is always a renewal fee for renewal of a license or service being provided. In the present case, a renewal fee of ₹1,000 has been prescribed and renewal is to be sought after every 5 years, meaning thereby that the financial implications for renewal are just Rs. 200/- per year and this is merely equivalent to a commission on distribution of just 112 kgs of food grains. Further, it is stated that the public distribution system was introduced for the benefit of ordinary

citizens i.e. for the benefits of card holders belonging to poor strata of the society and it is not meant to create an opportunity for a continuous source of livelihood for the licensees and giving a license for a fair price shop, is a privilege conferred by the State on a person, therefore, the petitioners are required to run the fair price shop in accordance with the terms and conditions of the license and provisions of the Order of 2015 issued in this respect by the Government. The respondents have further urged that issuance of SO 41 dated 19.01.2023 is an outcome of the policy decision and the petitioners cannot challenge the policy decision of the respondents.

6. Learned counsel representing the petitioners in the instant writ petitions have mainly confined their challenge to SO 41 only to the extent of reducing the ration tickets attached with the fair price shop and the provision prescribing renewal fee after every five years. They have vehemently argued that SO 41 could not have been applied retrospectively, as SO 41 has an adverse effect on their livelihood. They laid much stress that acting on the promise made by the respondents in respect of the ration tickets attached with the fair price shops, the petitioners have disabled themselves from obtaining any Government employment and as such, when they have become overaged, the respondents cannot resile from the promise made and further that the petitioners had legitimate expectation that the respondents would continue to maintain the status of the petitioners in respect of the terms and conditions under which the fair price shops were allotted to them.

Learned counsel for the petitioners have relied upon the judgment passed in a writ petition, titled as, **Manzoor Ahmed Dar vs. State of J&K and others decided on 30.11.2018**

7. *Per contra*, Mr. Hakim Aman Ali, learned G.A representing the respondents, has vehemently argued that SO 41 dated 19.01.2023 is an outcome of a policy decision and has been issued in terms of the provisions contained in the Essential Commodities Act, read with Order of 2015 and the National Food Security Act, 2013. The object of SO 41 is in tune with the Order of 2015 which is to ensure the maintenance of supplies and securing the availability and distribution of food grains under the Order of 2015 and it was the main object of the allotment of fair price shops. 'Fair price shop' as a source of employment to unemployed youth was only incidental object to the main object of Order of 2015. He has laid much stress that SO 41 has been issued in public interest and as such, the doctrines of 'legitimate expectation' and 'promissory estoppel' cannot come in the way of protecting the public interest. He has further submitted that the petitioners have no fundamental right to have a particular number of ration tickets. He has relied upon the judgment of the Allahabad High Court in '**Meena Devi vs. State of Utter Pradesh and others**' bearing Writ C No. 58035, date of decision dated 30.07.2018 and the judgment of learned Single Judge in case titled **Ch. Makhan vs State of J&K and others.**
8. Heard and perused the record.

9. Before we proceed to take up the specific challenge thrown by the petitioners to the various provisions of SO 41 dated 19.01.2023, we deem it proper to examine the scope of interference with the administrative decisions as well as policy decisions on the ground of it being in conflict with the doctrines of 'legitimate expectation' and 'promissory estoppel'. We have not even scintilla of doubt in our mind that the Order of 2015 has been issued by the Government of India to achieve the salutary object of providing the Essential Commodities i.e. food grains to such section of the society, who because of one reason or another have either no access to these commodities or have access to the same but with extreme difficulty. The National Food Security Act, 2013 was promulgated by the Government of India and applied in the erstwhile State of J&K as well, with the object of providing food and nutritional security and ensuring access to adequate quantity of quality food at affordable prices to people to live a life of dignity. This object is being vigorously pursued by the Central Government as well as UT Government in furtherance of Order of 2015 with identification of eligible households. This objective is being achieved through opening of new fair price shops and strengthening the network of already existing fair price shops. Equally true is that the fair price shop system is also contributing to the generation of employment, though the same has never been the main object of the Targeted Public Distribution System, but incidental thereto. Respondents have been categorical in their stand that the sole purpose of SO 41 dated 19.01.2023

issued in terms of Order of 2015 is to ensure supplies of essential commodities and their availability as well.

10. We agree with the respondents that the SO 41 is, in fact, an action on the part of the respondents in fulfilling the object/aim of the Article 47 of the Constitution of India. Article-47 in fact, is the guiding lamp showing a way to the Government to tread upon, to achieve the goals of raising the level of nutritional security and improving public health. The SO 41 has been issued by the respondents in public interest and when the public interest competes against the individual rights of some citizens (petitioners in the present case) and when the complaint is made by them in respect of the violation of the doctrines of 'legitimate expectation' and 'promissory estoppel', then the interest of public at large steal a march on individual interest of the few citizens. In this context, it would be appropriate to take note of the judgment of the Hon'ble Apex Court in **Puja Ferro Alloys P.Ltd vs State Of Goa And Ors, 2025INSC217**, wherein the issue of promissory estoppel was raised in respect of withdrawal of rebate by the State of Goa, and rejecting the contention of the Companies, it was held that *"In our opinion, public interest is what turns the tide against the appellant-companies. The SoG before the High Court in GR Ispat (supra) had specifically taken the stand that the policy of rebate was unviable resulting from financial crunch and was overriding public interest."*
11. In **P.T.R. Exports (Madras) (P) Ltd. v. Union of India, (1996) 5 SCC 268**, the Hon'ble Apex Court has held as under:

“3. In the light of the above policy question emerges whether the Government is bound by the previous policy or whether it can revise its policy in view of the changed potential foreign markets and the need for earning foreign exchange? It is true that in a given set of facts, the Government may in the appropriate case be bound by the doctrine of promissory estoppel evolved in *Union of India v. Indo-Afghan Agencies Ltd.* [AIR 1968 SC 718] But the question revolves upon the validity of the withdrawal of the previous policy and introduction of the new policy. The doctrine of legitimate expectations again requires to be angulated thus: whether it was revised by a policy in the public interest or the decision is based upon any abuse of the power? The power to lay policy by executive decision or by legislation includes power to withdraw the same unless in the former case, it is by mala fide exercise of power or the decision or action taken is in abuse of power. The doctrine of legitimate expectation plays no role when the appropriate authority is empowered to take a decision by an executive policy or under law. The court leaves the authority to decide its full range of choice within the executive or legislative power. In matters of economic policy, it is a settled law that the court gives a large leeway to the executive and the legislature. Granting licences for import or export is by executive or legislative policy. Government would take diverse factors for formulating the policy for import or export of the goods granting relatively greater priorities to various items in the overall larger interest of the economy of the country. It is, therefore, by exercise of the power given to the executive or as the case may be, the legislature is at liberty to evolve such policies.”

Emphasis

added

12. Thus, we are of the considered view that the petitioners cannot raise the plea of doctrines of “legitimate expectation” and “promissory estoppel” to assail SO 41 dated 19.01.2023. Therefore, the challenge thrown to SO 41 on the above-mentioned grounds is misconceived.
13. It was vehemently contended by the learned counsels for the petitioners that SO 41 has the propensity of reducing their ration tickets, as such, would deprive them of their livelihood. In this contest, it would be proper to extract Clause 20(2) of SO 41:

“20(2) No Fair Price Shop shall have more than 1500 souls and less than 200 ration cards in Rural Areas and not more than 2000 souls and less than 300 ration cards in Urban Areas. Upper limit of number of Ration Cards and Souls in a Fair Price Shop and their distance limits shall be indicative and

same will be appropriately considered during the process of rationalization:

Provided that the Director FCS&CA concerned shall have powers to adjust minimum up to 50 RCs or 200 souls on either side if situation so warrants or he may rationalize the number of Ration Cards equally between two Panchayats/Municipal Ward/ULBs, if needed, purely on the recommendation of concerned Assistant Director.”

14. In Government order No. 127-FCS&CA of 2016, it was provided that new fair price shops shall be opened for every 250 ration tickets and the existing fair price shop holder was allowed to retain more ration tickets in case of lack of feasibility of opening second fair price shop and upper cap of 499 ration tickets was placed in such contingency. In terms of clause 20(2) of SO 41, a fair price shop in urban areas cannot have more than 2000 souls and less than 300 ration cards and in rural areas, the ceiling is 1500 souls and less than 200 ration cards. A proviso appended to said clause provides that the Director FCS&CA concerned has the power to adjust minimum up to 50 ration cards or 200 souls on either side, if the situation so warrants or he may rationalize the number of ration cards equally between two panchayats/municipal wards/ULBs.
15. This provision has been incorporated in the order taking into consideration the convenience of the public at large and the respondents are candid in their response in stating that such demands were made in routine by the public in outreach programmes. We endorse the view of the Single Judge in case titled, **Choudhary Makhan vs. State of J&K and others, WP(C) No. 842/2017, decided on 27.07.2017** wherein it was observed by the learned Single Judge that the judgments relied upon by the petitioners herein do not lay down the law that the fair price

dealers have a fundamental right to have a particular number of ration tickets.

16. As already observed by us, the main object of SO 41 is to ensure the proper supplies of essential commodities to public at large and if achieving this objective is incidentally leading to generation of employment opportunities, the petitioners cannot raise the plea of generation of employment to defeat the main objective of SO 41. The proviso appended to Clause 20(2) of SO 41 vests the power with the Director FSC&CA to adjust minimum up to 50 ration cards or 200 souls on either side, if situation so warrants. Thus, the number of ration cards with the particular fair price shop dealer may touch 250 ration cards, but of course in case of contingencies only. The petitioners cannot throw a challenge to the Clause 20 (2) of SO41 on the ground of violation of their contractual/fundamental rights, as the petitioners have only been issued licenses by the respondents to ensure proper and smooth distribution of food grains among public and there is no vested rights with the petitioners for a particular number of ration cards. It needs to be noted that vide communication dated 07.06.2023 a proposal has also been mooted to sell products other than the scheduled/essential commodities just to ensure the viability of the fair price shop system and the respondents have also enhanced the commission of the petitioners in terms of Clause 9(7) of the Order of 2015. Otherwise also, if the running of the fair price shop becomes unviable, it would prove counterproductive to the efforts of the Government to achieve the target

of the National Food Security Act, 2015 and the Order of 2015. The Government has the expertise and the mechanism to ensure the achievement of objects of the Order of 2015 and in case of non-viability of fair price shops, the Government can take remedial measures. This contention of the petitioners is also baseless, as such, the same is rejected.

17. It has next been contended by the petitioners that financial burden has been placed upon them by the respondents by imposing renewal fee of ₹1000. Clause 22(5) of SO 41 provides that the license has to be renewed after every five years till the licensee reaches the age of 65 years and the renewal fee has been fixed as ₹1000. The license in terms of clause supra, is to be renewed subject to satisfactory performance of the licensee, to be certified by the Tehsil Supply Officer or the Area Inspector concerned. The purpose of renewal is to ensure that the licensee performs satisfactorily, meaning thereby that he adheres to the guidelines framed by the Government to provide smooth supply of food grains to the ration card holders. The respondents have stated that renewal fee in the instant case comes to ₹200/- per year that cannot be termed as exorbitant or excessive, imposing heavy financial burden upon the petitioners. The validity of the license has been fixed for five years and through the medium of the license, which is in the form of permission to sale the scheduled items to be provided by the Government, the Government can charge fee for issuance of such license and renewal thereof as well. In Punjab, the renewal fee is ₹1000 per annum, whereas in Haryana, the renewal fee is ₹1000 payable every two years. A renewal fee of ₹1000/-

payable after five years in the UT of J&K cannot be termed as excessive, thereby over burdening the petitioners financially. There is no substance in this contention as well.

18. Next, it was contended by the petitioners that in earlier Government orders, no age limit was prescribed but in SO 41, the license can be renewed till the fair price shop dealer attains the age of 65 years. The respondents in their response have stated that when a person reaches this stage of life, he usually is reluctant to perform physically laborious activities. This is true that distribution of food grains requires physical strength as well. Under normal circumstances, when a person reaches 65 years of age, it becomes little difficult to perform activities that require much physical labour. A Government employee also retires at the age of 60 years. SO 41 prescribing the maximum age of 65 years for a fair price shop dealer cannot be termed as unreasonable, particularly when the provision has been made in Clause 23 of SO 41 regarding transfer of license in favour of the dependent family member of fair price shop dealer who has attained the age of 65 years. SO 41 fixing age of 65 years as maximum age of fair price shop dealer cannot be termed as unreasonable or arbitrary.
19. After having perused SO 41, we have no hesitation in observing that it is a complete Code in itself which not only deals with the duties and responsibility of ration card holders but also rights and liabilities of the fair price shop dealer. It also lays down the criteria for opening new fair price shops and for selection of dealers for running such shops. The

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petitioners have not been able to demonstrate any of their fundamental/vested rights having been violated by the respondents with the issuance of SO 41 dated 19.01.2023, rather it takes care of the adequacies/inadequacies in the earlier Government Order No. 127-FCS&CA of 2016 dated 04.08.2016, which led to multiple litigations as well. As such, this contention of the petitioners too is rejected.

20. For all what has been said, analyzed and discussed hereinabove, we do not find merit in these writ petitions. Accordingly, the same are dismissed. Resultantly, the proceedings in the accompanied contempt petitions, arising out of aforesaid writ petitions are also closed.

SRINAGAR:
30.10.2025
Rakesh PS

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Whether the order is speaking: Yes
Whether the order is reportable: No

