



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.335 of 2026
30th July, 2026

Banwari Singh and Another -----Appellants

Versus

State of Uttarakhand and Others -----Respondents

Presence:-
Mr. Amar Murti Shukla, Mr. Rohit Gaur and Ms. Jaishree Joshi,
learned counsel for the appellants.
Mr. B.S. Parihar, learned Addl. C.S.C. for the State of Uttarakhand/
respondent nos.1 and 2.
Mr. Dushyant Mainali, learned counsel for respondent nos.3 and 4.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present intra-court appeal is directed against the order of learned Single Judge dated 20.07.2026 in WPMS No.2105 of 2026 by which the writ petition filed by the appellants has been dismissed.
3. The appellants are fair price shop dealers. The license of their fair price shops was suspended/ cancelled. The appellants allege that their license was suspended /cancelled as they failed to meet the demand of illegal gratification by respondent nos.3 and 4, who were Area



Rationing Officers, and submitted a wrong report against the petitioners. Feeling aggrieved by the order of suspension of his license, one of the appellants preferred appeal before the Commissioner Kumaon Division, Nainital but the same was dismissed. He, thereafter, filed a writ petition before this Court challenging the order of suspension and the order of the Commissioner Kumaon Division. The said petition is stated to be pending. Therein no interim order was granted in favour of the appellant.

4. The appellants alleging that the respondent nos.3 and 4, demanded bribe from the appellants made complaints dated 21.04.2025 and 03.06.2025 to the Chief Secretary, Government of Uttarakhand, Dehradun.

5. The case of the appellants is that despite repeated reminders the State Government has not held any inquiry on the complaints made by the appellants. Accordingly, they approached this Court by means of another writ petition praying for a direction to respondent no.1 i.e. the State Government to initiate disciplinary proceedings against respondent nos.3 and 4 under the provisions of the Government Servant (Discipline and Appeal) Rules, 2003 and until such time the disciplinary proceedings are concluded they should remain posted outside the Kumaon Mandal.



6. The learned Single Judge has accepted the plea of the State Government that the petition filed by the appellants was a motivated one and they have no *locus* to seek mandamus against the State Government for holding inquiry against any particular government servant under the provisions of the Government Servant (Discipline and Appeal) Rules, 2003 or to seek their transfer outside Kumaon Mandal.

7. The learned Single Judge has also taken notice of an order passed in a Public Interest Litigation (WPPIL No.19 of 2025) against the same officials, respondent nos.3 and 4, which was disposed of with direction to the Secretary of the concerned department to look into the complaint. It has also been noticed by the learned Single Judge that in pursuance of the said direction, the Principal Secretary, Food and Civil Supply considered the complaint of the PIL petitioner and found that he had not made any complaint in his own name but was relying on the complaints filed by various other persons.

8. Accordingly, the representation of the PIL petitioner has been disposed of observing that in case he has any evidence against respondent nos.3 and 4 he may file the complaint himself and produce the evidence so that the same may be considered.



9. Perusal of the writ petition reveals that one of the grievances raised by the petitioners in paragraph no.25 is that respondent nos.3 and 4 are not paying commission of the petitioners/appellants. The commission amount due is alleged to be ₹11,277/- in respect of petitioner no.1 and ₹2,45,861/- in respect of petitioner no.2.

10. Admittedly, the appellants have not raised any grievance in this regard before any forum nor in the writ petition filed by one of them before this Court challenging the order of suspension of license and the order passed by the Commissioner in the appeal. Even in the present writ petition no such relief has been claimed.

11. The writ petition was clearly motivated and appears to be a direct outcome of the fact that the license of the petitioner/appellant was suspended. The writ petition filed by the appellant against the order of suspension is already pending, in which, if the suspension was done on any extraneous consideration, it was open to the appellant to raise the said ground.

12. The appeal is, accordingly, dismissed with cost of ₹20,000/-(Rupees Twenty Thousand Only) to be deposited by the appellants before the State Legal Services Authority within one week from today.



13. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 30.07.2026
ss