

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2387 of 2020**

Smt. Yashoda Devi W/o Shri Jagat Yadav Aged About 48 Years President
Of Yashoda Women Self Help Group Mahavirganj, Operator Of Govt. Fair
Price Shop Mahavirganj Village Mahavirganj, Block - Ramchandrapur
Tahsil Ramanujganj District Balrampur Ramanujganj Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And
Civil Supply Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Collector (Food Department) Balrampur District Balrampur
Ramanujganj Chhattisgarh
3. The Sub Divisional Officer (Revenue) Ramanujganj District Balrampur
Ramanujganj Chhattisgarh
4. The Food Inspector Ramchandrapur, District Balrampur Ramanujganj
Chhattisgarh
5. Govt. Fair Price Shop Dharmi Gram Panchayat Dharmi, Block
Ramchandrapur Tahsil Ramanujganj, District Balrampur Ramanujganj
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate
For State	:	Mr. Raghvendra Verma, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/10/2020**

1. The challenge in the present writ petition is to the order of
suspension dated 31.08.2019.
2. According to the petitioner, the petitioner on frivolous, baseless and
unsustainable grounds have been placed under suspension vide

order dated 31.08.2019 and thereafter no further development took place for a period of about 1 year and finally a show cause notice was issued on 29.06.2020 and if even thereafter for the period of 4 months' now no development further has taken place this itself shows the malafide on the part of the respondent authorities who have placed the petitioner under suspension only on account of political vendetta and not for any other reason.

3. Mr. Raghvendra Verma appearing for the State submits that let the matter be disposed of at this stage directing the State Authorities to conclude the proceedings initiated by way of show cause notice on 29.06.2020 within a period of four weeks.
4. This Court does not find any good reason why the State authorities should have taken one year time for issuing show cause notice to the petitioner, particularly, when the allotment has been placed under suspension as early as on 31.08.2019. The Chhattisgarh Fair Price Shop Allotment Rules specifically provides for a stipulated period within which an action initiated on irregularities have to be concluded. It is a clear case where the respondents have not been able to abide by the provisions of law, no justifiable reasons have also been provided by the State counsel for the delay caused, if any.
5. Given the facts and circumstances as it prevails, particularly taking into consideration the situation that arose because of the COVID-19 Pandemic some amount of delay could be put on the pandemic but even before the lock down was imposed in the State of Chhattisgarh for the first time on 24.03.2020, there was sufficient time available with the State Authorities for concluding the disciplinary proceedings

in any. Reluctantly though, this Court would like the matter to be decided on its own merits at the earliest.

6. Accordingly, as prayed for by the State counsel, the writ petition is disposed of at this stage directing the State authorities to ensure that the show cause proceedings initiated by the respondents on 29.06.2020 is concluded within a period of 4 weeks' from today. Failing which the respondents shall take necessary steps in ensuring that the position of the petitioner stands restored as it stood prior to the stage of the issuance of suspension order which in other words means that the respondents shall take steps for revoking the suspension order and to hand over the possession of the fair price shop to the petitioner.
7. Respondents are also expected to provide the petitioner a fair and reasonable opportunity of defence in the show cause proceedings that they have initiated.
8. With the aforesaid observations, the writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**