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19.12.2022
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Ct 39

WPA 23878 of 2018
CAN 1 of 2022

Bazlur Rahaman
-vs-
State of West Bengal & ors.

Mr. Ram Anand Agarwala
Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
Ms. Sonam Ray
...for the petitioner
Mr. S. Sengupta
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to cancel and/or rescind the order of the second Appellate Authority dated 09.10.2018 as also the order dated 09.08.2018 passed by the First Appellate Authority.

Learned counsel appearing on behalf of the petitioner submits as follows. In 2017, an agitation was held for non-supply of kerosene to the ration card holders from the petitioner's shop. Actually, supply of kerosene oil did not come to the petitioner on that date. On the very same day, the SCFS, Tehatta came to the petitioner's shop and later on issued a suspension order. Subsequently, a show cause was issued although with a different case number. Yet, the petitioner appeared and made his representation. The SCFS

passed an order against the petitioner. The statutory appeals preferred by the petitioner were also dismissed. Accordingly, the petitioner made a representation before the Secretary, Food and Supplies Department. However, the same has remained pending.

Learned counsel for the State submits that the termination took place quite some time ago and the same was approved by two successive Appellate Authorities.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that after the two Appellate Authorities dismissed the petitioner's appeal against a termination order in respect of his FPS dealership, the petitioner made a representation before the Principal Secretary. The petitioner also made an application before the Secretary, Food and Supplies Department, West Bengal. At least, the result of the same has not been communicated to the present petitioner.

Therefore, in the event the Secretary of the Food and Supplies Department has not yet considered the petitioner's application, the same shall be considered by him within a period of six weeks from this date in accordance with law and after giving him an opportunity of hearing. Thereafter, the result of the petitioner's application shall be communicated to him within two weeks from then.

It is clarified that no allegation has been admitted as the affidavits have not been called for.

With these observations, the writ petition and the connected application are disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)