

WPA 25840 of 2022

Mr. Sarajit Sen
Mr. Tapas Singha Roy
...for the petitioner
Mr. Arka Kumar Nag
Mr. Sirsanya BAndopadhyay
...for the State

This is an application praying for a direction upon the respondents to engage the petitioner on compassionate ground for running the fair price shop no. 133200300037 in Village Harail within Kanturka Gram Panchayat, District-Malda as per Clause 20 (vi) of the West Bengal Public Distribution System (Maintenance & Control) Order, 2013.

Learned counsel appearing on behalf of the petitioner submits as follows. In 1983, the petitioner's husband was initially issued a license for purchase, sale and storage of wheat. In 2006, M.R. Dealer's licence was issued to the petitioner's husband vide licence no. 225/MR/Hab/05. On 07.09.2014, the petitioner's husband died leaving behind the petitioner and her two sons. On 04.11.2014, the petitioner made an application to the authority to transfer the M.R. dealer licence of her husband in her name. In 2017, the petitioner discussed the matter with the villagers who advised her to enquire with the Sub-Divisional Controller, Malda. In February 2020, the authority concerned told the

petitioner about the procedure of filing an application for compassionate ground. The petitioner made further application in Form-C with Annexure-I for engaging her as a M.R. dealer on compassionate ground on 27.09.2022. However, this application was received by the authority on 28.09.2022. Yet, there was no response from the end of the respondents.

Learned counsel appearing on behalf of the State submits as follows. First, regarding the initial informal application made by the authorities concerned, there is no date of receipt on the same by the authorities. The petitioner appears to be 82 years old. Her fitness to run the shop also needs to be assessed. In the event a direction is passed to consider the petitioner's presentation, the same may be done by the respondent no.3.

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

It appears that the petitioner has made an application for engagement as an M.R. dealer on compassionate ground.

Let the respondent no.3 consider the petitioner's representation within eight weeks from the date of communication of this order after giving an opportunity of hearing to the interested parties including the petitioner and communicate the decision to the petitioner within two weeks therefrom.

Merits of the application have not been gone into.

With these observations, the writ petition is 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.)