

15.03.2023

WPA 4780 of 2023

**Sibani Sadhukhan & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Dilip Kumar Samanta
Mr. Biswapriyo Samanta
Ms. Tithi Paul

... .. for the petitioners

Mr. Susovan Sengupta
Mr. Sanatan Panja

... .. for the State

This is an application under Article 226 of the Constitution of India for a direction upon the respondent authorities to consider the representation of the petitioners for grant of Fair Price Shop licence on compassionate ground in view of the death of the father of the petitioners on 23rd February, 2022.

Learned counsel appearing for the petitioners submits as follows. On 23rd February, 2022 Rabindra Nath Sadhukhan, father of the present petitioners passed away. He was the owner of a Fair Price Shop being No.54, having licence No.JD-BIBHTP-133700300001-21. The mother of the petitioners had died way back in the year 2004. Well within time, on 14th March, 2022 the petitioners submitted representation before the respondent no.6 for grant of Fair Price Shop Dealership in their favour on compassionate ground in view of the death of their father. On 17th March, 2022 the respondent no.6 issued a memo to the petitioners directing them to submit all documents in the manner as

stated therein. On 25th May, 2022 the respondent no.6 issued a reminder. On 30th May, 2022 the petitioners submitted all documents as asked for by the respondent no.6. On 9th January, 2023 the petitioners made a further representation praying for grant of such dealership on compassionate ground. Despite such representation, till date respondent authorities have neither decided their application for compassionate appointment nor have made any communication to the petitioners.

Learned counsel appearing on behalf of the State submits that in the event a direction is passed to consider the representation of the petitioners' application for dealership on compassionate appointment, such direction may be passed upon the respondent no.6 herein.

I have heard the learned counsel appearing on behalf of the petitioners and the State and have perused the petition.

It appears that the petitioners had made an application for dealership of a Fair Price Shop on compassionate ground in view of the death of their father. Further representation was also made. Yet, the fate of the application was not communicated to them.

In the event the respondents have not yet considered the application for compassionate appointment made by the petitioners, the respondent

no.6 shall consider the petitioners' representation for engagement as a Fair Price Shop Dealer on compassionate ground within eight weeks from this date and communicate the order so passed to the petitioners within two weeks thereafter.

With theses observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)