

11.03.2024
Sl. No. 59.
Ct. No.35
s.g.

WPA 8103 of 2020

Jhuma Kar (Dutta)
-Vs.-
The State of West Bengal & Ors.

Mr. Soumik Ganguli,
Ms. Chandana Chakraborty
....for the petitioner.

The writ petitioner is aggrieved with the authority's rejection of her application for FPS Dealership on compassionate ground, vide authority's order dated August 12, 2020.

The factual background of the case necessary to be dealt with in brief, would be as follows :-

The father of the writ petitioner was a licensed dealer under the respondent authorities. The father died on May 18, 2015. After death of her father, the present writ petitioner, who happened to be a married daughter of the said deceased licensee, applied for grant of dealership in her favour on compassionate ground. The date of her application was June 25, 2016.

Mr. Ganguly appearing for the writ petitioner seeks an order of the Court extending the benefit of

memo No.210(50)–FS/O/Sectt./CSS/7S-116/19 dated 15th January, 2020 in case of his client.

Fact remains that at the time of applying for FPS dealership by the writ petitioner, she would not have been eligible for grant of such dealership being the married daughter of the deceased licensee. During pendency of her application however, the memo dated 15th January, 2020, as mentioned above, came into effect, by dint of which married daughters were allowed for engagement as the licensee, in place of their deceased licensee predecessor.

No doubt in this case the application of the present writ petitioner for dealership with the respondent authority was made at a time, when the right of a married daughter to be considered for compassionate grant of licensee, was not recognized. The same has been recognized only vide order dated January 15, 2020, as mentioned above. Record reveals that the impugned order, considering and rejecting her prayer, has been issued much after the issuance of the said memo dated 15th January, 2020 that is on 12th August, 2020.

Factors like timely submission of the application or petitioner's dependence on her deceased father, not being under challenge in this case, it is therefore found proper that the writ petitioner should be

extended with the benefit under the said memo, that is dated January 15, 2020 and that there would not be any impediment regarding its applicability, in the case of the writ petitioner.

Considering the same, prayer of the writ petitioner is found to be cogent and eligible to be allowed.

No one is appearing for the respondent authority in spite of service of notice.

Affidavit of service filed in Court today shall be kept with the record.

On the discussion as made above the impugned order dated 20th August, 2020 is set aside. The respondent authority shall consider the case of the petitioner in the light of the memo dated 15th January, 2020 as mentioned above and pass a reasoned order in connection with her prayer dated June 25, 2016. In doing so respondent authority shall afford opportunity of hearing to the writ petitioner and conclude the entire proceeding as above within a period of two weeks from the date of communication of this order.

The writ petition is thus disposed of.

(Rai Chattopadhyay, J.)

