

WPA 8154 OF 2025

11.06.2025

Sl no. 34

Ct no. 24

P.M.

Sujit Pal

- Vs -

The State of West Bengal & Ors.

Mr. Amar Nath Sen,
Mr. Mandakranta Mukherjee
... for the Petitioner

Mr. Sonal Sinha,
Mr. Dwaipayan Basu
... for the State

Father of the petitioner namely Dayal Pal was a FPS dealer at village Narkoli, P.S. – Ranibandh, District – Bankura; during subsistence of his licence he served with show-cause cum suspension notice by SCFS Khatra on 17th February, 2023. The licence of Dayal Pal put under suspension. Furthermore, one FIR was registered against the FPS dealer Dayal Pal on the basis of which Ranibandh P.S. case No. 42 of 2023 dated 05.03.2023 was started. After completion of investigation the Police authority has submitted a charge sheet. Dayal Pal expired on 6th February, 2024. The present petitioner being son of Dayal Pal has applied for licence on compassionate ground before the authority by making a specific application also paid a requisite fees for submission of application. The authority concerned has not taken

any decision but issue a fresh vacancy notification vide memo No. 06/SCFS/KHT/2025 dated 6th January, 2025. Petitioner being aggrieved by the act and action of the concerned authority has approached this Court by this writ petition.

The contention of the learned counsel for the petitioner is that the concerned authority did not dispose of the application filed by the petitioner on compassionate appointment and issue the fresh vacancy notification. He submits that, the present petitioner is the eligible candidate to get the licence of his father on compassionate ground so the impugned vacancy notification required to be set aside.

Learned counsel appearing on behalf of the State respondents submits that the application filed by the petitioner is not in proper form. Moreover, the licence in favour of the erstwhile MR dealer has already been suspended and it was not revived the application itself is not maintainable.

He further submits that for the smooth and proper distribution of ration articles, State has decided to issue a fresh vacancy notification only for the benefit of the end users. The present petitioner has applied for compassionate appointment on 30th

December, 2024, i.e. march after the statutory period has enumerated under Clause VI sub-clause 20 of Control Order, 2013.

Having heard the learned counsel appearing for the parties it appears to me that the licence of erstwhile MR dealer (deceased) is in issue here. The said licence is under suspension by order dated 17th February, 2023. The present petitioner cannot revive the suspended licence. Rather he appointed under compassionate appointment cannot be on the death of erstwhile dealer Dayal Pal.

The sub-clause VI of Clause 20 of Control Order make it clear that the family member of deceased MR dealer may apply for licence on compassionate ground, only if, the erstwhile MR dealer was running with the valid licence. The licence of Dayal Pal in the present case, was not valid and under suspension on the date of his death. Moreover, specific criminal case under Essential Commodities Act has already been started wherein investigation ended in charge sheet. Trial is yet to be commenced; thus, at this juncture, the application filed by the petitioner for compassionate appointment is appears to me not legally correct or non-est in the eye of law. The application for compassionate appointment

cannot be made for the licence which had already been suspended prior to the death of the erstwhile MR Dealer.

Under the above observation I find no justification to entertain this matter. Thus, this writ petition is disposed of as meritless.

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

(Subhendu Samanta, J.)