

ASR 21.
Ct. no. 24.
21.1.2025

WPA 30552 of 20234

Dilip Kumar

Vs.

The State of West Bengal & Ors.

**Mr. Debabrata Saha Roy
Mr. Falguni Bandhopadhyay
Ms. Raiya Ballav**

....For the petitioner

**Ms. Sonal Sinha
Ms. Asmita Chakraborty
Mr. Amrito Lal Chatterjee**

....For the State

Ms. Sreetama Neogi

...For the Respondent nos. 6 and 7

Challenging an order dated 6.12.2024 passed by Sub-Divisional Controller, Food & Supplies, Jhalda in pursuance of a direction of this court in WPA No. 25766 of 2024 **(Dilip Kumar –Vs.- The State of West Bengal & Ors.)**, the petitioner approaches this court.

It appears that the father of the petitioner Lt. Sriswhtidhar Kumar was a M.R. dealer, who expired on 29th April, 2022. There are three legal heirs of said M.R. dealer, as appearing from the certificate of the Pradhan, Tatuara Gram Panchayat dated 4th December, 2024. Petitioner is one of the son, other two legal heirs i.e.

one daughter and one son are represented as respondent nos. 6 & 7 before this court. The concerned Sub-divisional controller has turned down the prayer of the petitioner for appointment on compassionate ground with the observation as follows:

“As per statement of the petitioner at the time of personal hearing which was held on 05.12.2024, he stated that he could not submit the requisite documents as well as “No objection Certificate” from the other legal heirs of Lt. Srishtidhar Kumar for getting FPS License on compassionate ground within the stipulated period.

So, the application of Dilip Kumar S/o- Lt. Srishtidhar Kumar of Village+P.O. – Tatuara under Jhalda-II block is not being considered for engagement as FPS dealer on compassionate ground in place of his deceased father.”

It appears from the observation of the concerned Sub-divisional controller that he could not accepted the “No Objection Certificate” issued by other two legal heirs of deceased M.R. dealer (respondent nos. 5 and 6). It is further observation of the Sub-Divisional Controller that documents were not placed within stipulated period.

Ms. Sonal Sinha, learned counsel appearing on behalf of the State submits that the authority were not satisfied about the documents as placed at the time of hearing.

Having heard learned counsel for the parties also considering the matter, it appears to me that truly the documents as required for consideration of an application for appointment on compassionate ground was not placed with the authority within a stipulated period. But it appears from the order of this court dated 18th November, 2024 in WPA 25766 of 2024 that the court has accepted the plea of the petitioner and directed the concerned authority to consider the matter afresh. When a direction was passed by this court the authority concerned have to accept the direction in its true letter and spirit.

“Satisfaction” as termed in the statute is a reasonable satisfaction of the authority concerned in terms of the law laid down in the statute. The authority concerned must have acted to satisfy their “satisfaction” which could be in terms of direction of this court in terms of the clause under WBPDS (M&C) of 2013 as well as the direction passed by Division Bench of this court in **Gurupada Das -Vs.- State of West Bengal**.

It make it clear that the concerned authority must have aware about the law laid down by the Division Bench of this court in **Gurupada Das -Vs.-**

State of West Bengal in dealing with the application for compassionate appointment. The Hon'ble Division Bench in **Gurupada Das -Vs.- State of West Bengal** has specifically laid down the norms in para 14 to 18. The authority now shall consider the application for compassionate appointment.

The other legal heirs of the deceased M.R. dealer appear before this court and submits that they have issued no objection certificate in favour of the present petitioner. I find there is no legal impediment for issuing dealership license in favour of the petitioner on compassionate ground.

However, delay, if any, occurred in depositing the documents that shall not be construed strictly in terms of the benevolent purpose of the statute.

The State authority is required to construe the provisions of WPPDS (M & C) order, 2013 liberally. According to the direction passed by this court as well as the direction of the Division Bench passed in **Gurupada Das -Vs.- State of West Bengal & Ors.**

Under the above observation, the impugned order dated 16th December, 2024 passed by the concerned SCFS is hereby set aside.

The matter be relegated back to the concerned authority for making a fresh decision in terms of the direction made here in above. If he it appears to the authorities the petitioner is otherwise eligible, according

to law, to get a license on compassionate ground, that shall be issued promptly.

The concerned SCFS shall take the decision within 6 weeks from the date of communication of this order.

The decision shall be intimated to the parties within two weeks thereafter.

Till the decision be intimated to the petitioner as mentioned here in above, the concerned authority shall not proceed to commission the license in favour of any person.

Under the above observation, the writ petitioner is disposed of.

[Subhendu Samanta, J]