Sr. No. 24

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP (C) No. 36/2024
CM No. 79/2024

Date of pronouncement: 20.12.2025
Uploaded on: 22.12.2025

Neha Tandon, Aged 34 years
W/o Shri Vikrant Gupta,
R/o Village Ari, Ward No. 4, Tehsil Mendhar, District Poonch, J&K Union Territory, Pin Code-185111 …. Petitioner(s)/Appellant(s)

Through:- Mr. Anil Gupta, Advocate

V/s

1. Union Territory of Jammu & Kashmir Through Director FCS & CA Department, Jammu.
2. Assistant Director, Food Civil Supplies & Consumer Affairs Poonch.
3. Tehsil Supply Officer, Food Civil Supplies & Consumer Affairs Mendhar.
4. Majid Hussain, Age 65 years S/o Wazir Hussain R/o Ari, Tehsil Mendhar, District Poonch.

…..Respondent(s)

Through:- Ms. Chetna Manhas, Advocate vice
Mr. Adarsh Bhagat, GA for R- 1 to 3
Mr. Rahul Raina, Advocate for R- 4

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER (ORAL)

1. This petition has been preferred by the petitioner seeking a direction upon respondents not to cancel the petitioner's license of FPS (Fair Price Shop) Ration Dealer License No. AD/FCS & CA/P/2023-24/41 dated 20.07.2023.

2. It is stated in the petition that in the year 2018, petitioner's husband desired to contest panchayat elections, as such, he submitted representation/application through proper channel for transferring his

Ration Dealer License in the name of petitioner who happened to be dependent upon him being his wife. On 20.07.2023, the license was transferred in the name of petitioner for the distribution of ration. However, respondent authorities failed to provide ration quota to the petitioner for the month of January, 2024, for distribution amongst the ration card holders, which has compelled the petitioner to approach this Court by way of this instant writ petition.

3. Learned counsel for the petitioner states that respondents have stopped the ration supply to the petitioner, without due procedure of law, despite she being the licensee with the respondent department.

4. *Per contra,* in the reply filed by the respondent, it is stated that in terms of order dated 22.06.2001, sanction was accorded by the office of respondent No. 1 for opening of Fair Price Shop at Village Ari, Tehsil Mendhar, District Poonch, in favour of husband of the petitioner, namely Vikrant Gupta. However, he submitted an application on 27.02.2020 for transferring of FPS license in favour of his wife, petitioner herein. The matter was recommended by the office of respondent No. 2 on 28.02.2020 and the license was granted in favour of the petitioner on 20.07.2023, in terms of Clause 25 under SO 41 of 2023. However, a written complaint was preferred by respondent No. 4 on 11.12.2023, in the office of respondent No. 1, against husband of the petitioner Mr. Vikrant Gupta. Thereafter, on 12.12.2023, respondent No. 2 was requested to enquire into the matter by furnishing a detailed report. On 16.12.2023, respondent No. 3 was

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

appointed as an inquiry officer to verify the genuineness of the complaint. Respondent No. 3, upon enquiry, submitted his report on 20.12.2023 to the office of respondent No. 2, stating therein that, "the Sarpanch Vikrant Gupta is holding office of profit and at the same time he is having the Ration Dealer License as well in his name". Accordingly, a show cause notice was issued on 04.01.2024 by the office of respondent No. 2 to Mr. Vikrant Gupta as per section 39 (2) of S.O 41 of 2023.

5. It is further stated therein that the inquiry could not be concluded on account of the fact that this Court on 02.02.2024, had directed the respondents to release the ration for the month of January, onwards to the petitioner, in the instant petition.

6. It is stated by the learned counsel for the respondent No. 4, that the Joint Director FCS & CA had issued an order to Assistant Director FCS &CA, Department, to take up the matter for cancellation of Ration Dealer License of Sarpanch cum Dealer Vikrant Gupta, and to furnish the report thereafter, in terms of order dated 12.12.2023.

7. The Tehsil Supply Officer, Balakote, was, on 16.12.2023, directed to conduct an inquiry against the Sarpanch cum Dealer, Vikrant Gupta (husband of the petitioner), in compliance to the order *supra.* Tehsil Supply Officer, (TSO), accordingly, conducted a detailed inquiry and submitted a report on 20.12.2023, whereby, he had submitted that the Sarpanch Vikrant Gupta is holding an office of profit and he is having a Ration Dealer License in his name with the Ration ID:

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

100500400034. It is further stated in the report that Ration Challans are being issued in his name and he is also submitting remittances of Ration every month. However, he has changed the Ration Dealer License in the name of his wife, petitioner herein, but the license has not been updated at the portal, neither on RCMS portal nor on AEOPS portal.

8. It is also stated that petitioner as well as her husband have misused their official position and have been using government funds/ government ration for their personal benefit, thereby, selling the government ration to the shopkeepers of the remote villages.

9. It is stated by the learned counsel for the petitioner that Vikrant Gupta (husband of the petitioner) has already replied to the Show Cause Notice, but no inquiry has been concluded in this way.

10. Heard learned counsel for the parties and perused the material on record.

11. Respondent No. 4 has placed on record *inter se* communications of the respondents which clearly reveal serious allegations against the petitioner as well as her husband. The inquiry has been initiated by the respondents on 04.01.2024, which could not be concluded on the ground that the petitioner had preferred this petition and this Court had granted the following interim relief in favour of the petitioner on 02.02.2024:

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

"Meanwhile, the respondents shall release the ration for the month of January onwards to the petitioner."

12. This Court has not, thus, restrained the respondents from conducting any inquiry.

13. Learned counsel for the petitioner has already stated that the husband of the petitioner Mr. Vikrant Gupta had already responded to the Show Cause Notice issued by respondent No. 3. However, respondents have themselves failed to initiate any inquiry till date.

14. In view of the above, this petition is disposed of with a direction to the respondents to conduct a detailed inquiry against the petitioner and her husband, strictly in accordance with law and rules applicable. Respondents are, however, directed to provide an opportunity of being heard to the petitioner and to release ration in favour of the petitioner, till the inquiry is concluded and the final order is passed. Respondents are also directed to conclude the inquiry within a period of two months from the date of passing this order.

16. ***Disposed of.***

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
20.12.2025
Asif Tantray

Whether the order is speaking: Yes
Whether the order is reportable: No

HIGH COURT OF JAMMU & KASHMIR AND LADAKH