

**OFFICE OF THE COMMISSIONER / APPELLATE AUTHORITY
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS
GOVT. OF NCT OF DELHI,
ROOM No.101 ,1ST FLOOR, K-BLOCK, VIKAS BHAWAN, I.P.ESTATE,
NEW DELHI-110002.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/326-329

Dated: 16-9-2021

Appeal No. 19/2021

M/s. Subhash Chand Naresh Kumar,
FPS No. 6582, C-51 (Kalka Ji)

Shri Subhash Chand Goel, (Prop.)

.....Appellant

Vs

The Assistant Commissioner (South)
Deptt. of Food Supplies & Consumer Affairs,
Delhi .

.....Respondent

Date of Hearing : 15.09.2021

ORDER

The instant Appeal has been filed by Sh. Subhash Chand Goel, Prop. M/s. Subhash Chand Naresh Kumar, FPS No. 6582, C-51 (Kalka Ji) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order dated 29.03.2018 passed by Assistant Commissioner (South).

Shri Subhash Chand Goel, appellant and Shri Pawan Kumar, Assistant Commissioner (South)/Respondent were present.

The Case was called and heard at length.

ls. The Appellant submitted that the present appeal has been filed to withdraw resignation tendered by the him on 24.03.2018 due to self illness/Heart Problem. The resignation was accepted by Assistant Commissioner (South) vide order dated 29.03.2018. He pleaded that he is now fit (Medical Certificate was submitted to this cause) and his condition is stable to run the FPS as per the norms of department and wants to withdraw his resignation tendered by him. He further submitted that the FPS is only source of income for him. He submitted that due to medical problem he could not file the present appeal within the stipulated period and requested for condonation of delay. He further stated that no vacancy of FPS has been notified in the above area by the Department

The Assistant Commissioner (South) stated that it was observed that the FPS holder was not functioning as per the guidelines issued by the Department w.e.f. 01.01.2018, after implementation of operation from e-POS machines alongwith weighing scales. A suspension cum show cause notice was issued and the petitioner was called upon on 15.03.2018. Shri anil Kumar Goel, AR of appellant was appeared on 24.03.2018 and submitted the medical documents wherein inability to run the FPS was shown due to heart problem. The resignation was tendered by the FPS holder on his own will

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and was accepted with the free consent of FPS holder as such he was not interested to run the FPS due to Heart Problem and requested for cancellation of authorisation. After taking facts into consideration the then Assistant Commissioner (South)/licensing authority accepted resignation as per norms. He submitted that approx. 370 cards attached to his shop which were linked to nearby shops. The card position is smooth and there is no requirement of any new FPS in the area. The Respondent requested to dismiss the appeal.

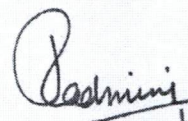
After hearing contentions of both the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation on 24th March, 2018 which was accepted by the Assistant Commissioner (South)/licensing authority on his own will/request on 29.03.2018. He filed the instant Appeal on 23.08.2021 i.e. after a gap of three years approx., which is already time barred as per provisions contained in the Department's order dated 12.01.1981.

In his application dated 24.03.2018, he referred the reason of resignation as self illness e.g. Heart Problem, hence doctor advised him not to do work. He himself requested to accept resignation as he was not able to operate the FPS due to heart problem. Provisions exists to address issues pertaining to leave on medical ground which the Appellant chose not to exercise. On his free will he relinquished the licence/authorisation of Fair Price Shop which was accepted by the Department. There were 370 approx. cards attached to his shop which were well adjusted in nearby shops. The cards attached with FPSs in the area are well within the limits and there is no requirement of any new FPS in the area.

Therefore, considering the above facts, it is not possible to allow the restoration of the authorisation relinquished by the licensee on his own free will. Hence, the Order of Assistant Commissioner (South) is upheld and the appeal is accordingly dismissed.

The appeal is disposed of.

Parties be informed accordingly.


16/09/2021
(PADMINI SINGLA)

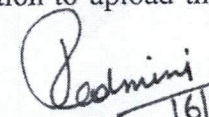
COMMISSIONER (F&S)/APPELLATE AUTHORITY

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Copy to :-

1. The Assistant Commissioner (South), F&S Deptt. GNCT of Delhi
2. Sh. Subhash Chand Goel, Prop. M/s. Subhash Chand Goel (FPS No. -6582), C-51 through Asstt. Commissioner (South).
3. Sh. Subhash Chand Goel, Prop. M/s. Subhash Chand Goel (FPS No. -6582), C-51, R/o 336/4, Gobind Puri, Kalka Ji, New Delhi - 110019. Mob. 9211696441.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


16/09/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY