

**OFFICE OF THE COMMISSIONER / APPELLATE AUTHORITY  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
GOVT. OF NCT OF DELHI,  
ROOM No.101 ,1<sup>ST</sup> FLOOR, K-BLOCK, VIKAS BHAWAN, I.P.ESTATE,  
PH. No. 011-23379252, NEW DELHI-110002.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/125-128

Dated: 17-6-21

DOH : 09.06.2021

Appeal No. 22/2020

M/s. Vimla Store  
FPS No. 7077, C-35 (Najafgarh)  
Smt. Vimla Devi, (Prop.)

.....Appellant

V/s

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

.....Respondent

**ORDER**

The instant Appeal has been filed by Smt. Vimla Devi, Prop. M/s. Vimla Store, FPS No. 7077, Circle -35 (Najafgarh) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order dated 24.11.2014 passed by Assistant Commissioner (South West).

Smt. Vimla Devi, appellant alongwith counsel Shri Manish Jain, Adv. and Shri Dinesh, FSO (C-35) on behalf of Assistant Commissioner (South West) were present.

The Case was called and heard at length.

The Counsel of Appellant submitted that the present appeal has been filed to withdraw resignation tendered by the Appellant due to self illness (Dust Allergy). The resignation was accepted by Asstt. Commissioner (South West) vide order dated 24.11.2014 and all the cards attached with the FPS were linked to other nearby FPSs. He pleaded that the FPS holder is now fit (medical certificate was submitted) and her condition is stable to run the FPS as per the norms of department and wants to withdraw resignation tendered by her. He further submitted that the FPS is only source of income for her and now her sons are not giving food to appellant and living separately. He added that the past record of the appellant is very clean and no case of discrepancies of any nature is pending against her. No consumer filed any complaint against her regarding any irregularity. He submitted that due to said illness she was undergoing treatment and could not file the present appeal within the stipulated period and requested for condonation of delay. The Appellant added that she is approx. 74 years old lady and her case of withdrawal of resignation may be considered on humanitarian grounds.

The FSO (C-35) appeared on behalf of Assistant Commissioner (South West) stated that the resignation was tendered by the FPS holder on her own will and was accepted with the free consent of

Contd...2/..

1030/SSA/IT  
17/06/2021

To upload.

Manish  
Mohit

Kyrie  
17/6/2021

FPS holder as such she was not interested to run the FPS due to self illness (Dust Allergy). After taking facts into consideration the then Assistant Commissioner (SW)/licensing authority accepted resignation and all the cards attached with the said FPS were linked to other nearby FPSs. He stated that no complaint from any beneficiary received about getting SFAs from linked FPSs.

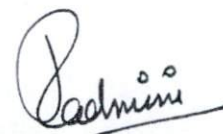
After hearing contentions of both the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder, on her own will, filed an application for acceptance of resignation in the month of November, 2014 which was accepted by the Assistant Commissioner (South West)/ licensing authority and all the cards attached with the said FPS were linked to other nearby FPSs vide order dated 24.11.2014. She filed the instant Appeal on 10.11.2020 almost a gap of Six years which is already time barred as per provisions contained in the Department's order dated 12.01.1981.

In her application, she referred the reason of resignation self illness and as such is not in a condition to run the Fair Price Shop. There is therefore no certainty that such a situation will not arise again at a later date. Certain provisions have also been laid down by the Department to address issues pertaining to leave on medical ground which the Appellant chose not to exercise. On her free will she relinquished the licence/authorisation of Fair Price Shop which was accepted by the Department. It is needless to say that repeated linking and delinking of ration cards to different Fair Price Shops on account of resignation/cancellation of Fair Price Shop results in great inconvenience to the eligible beneficiaries. Moreover, as per version of FSO (C-35), after resignation of Appellant no complaint from any beneficiary received about getting entitled SFAs from linked FPSs.

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

The appeal is disposed of.

Parties be informed accordingly.



(PADMINI SINGLA)

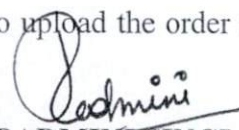
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/125-128

Dated: 17-6-21

Copy to :-

1. The Assistant Commissioner (South -West), F&S Deptt. GNCT of Delhi.
2. Smt. Vimla Devi, Prop., M/s. Vimla Store (FPS No. - 7077), C-35 through Assistant Commissioner (South -West).
3. Smt. Vimla Devi, Prop. M/s. Vimla Store (FPS No. - 7077), R/o House No. G-66, Dharampura, Najafgarh, New Delhi - 110043.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY