

**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,  
NEW DELHI-110002.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/62-64

Dated: 25-5-21

**Appeal No. 21/2019**

M/s. Satish Kumar  
FPS No. 7959, C-35 (Najafgarh)  
Shri Satish Kumar, (Prop.)

.....Appellant

Vs

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

.....Respondent

**ORDER**

The instant Appeal has been filed by Sh. Satish Kumar, Prop. M/s. **Satish Kumar, FPS No. 7959, 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).

Shri Satish Kumar, appellant alongwith counsel and Shri Desh Raj Singh, 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 on 17.11.2014 due to self illness (Heart Problem). 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 history was submitted) 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 and his sons are not giving food 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 him. No consumer filed any complaint against him regarding irregularity. He submitted that due to said illness he was undergoing treatment and could not file the present appeal within the stipulated period and requested for condonation of delay.

The Assistant Commissioner (South West) stated that the resignation was tendered by the FPS holder on his own will and was accepted with the free consent of FPS holder as such he was not interested to run the FPS due to self illness (heart problem). After taking facts into consideration the then Assistant Commissioner (SW)/licensing authority accepted resignation and all 359 cards attached with the said FPS were linked to other nearby FPSs. He stated that no vacancy of FPS has been notified in the above area by the Department and he has no objection if the appellate authority decides in favour of the appellant as at present sufficient NFS cards are available to link with the FPS in the same notified area i.e. Dharampura under Circle-35 (Najafgarh).

ls.  
982/SSA/IT  
29/05/2021

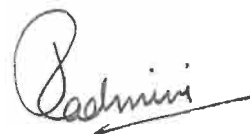
After hearing contentions of both the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation in the month of November, 2014 which was accepted on his own will by the Assistant Commissioner (South West)/ licensing authority and all 359 cards attached with the said FPS were linked to other nearby FPSs vide order dated 24.11.2014. He 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 his application dated 17.11.2014 he referred the reason of resignation as 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 his free will he relinquished the licence/authorisation of Fair Price Shop which was accepted by the Department. It is needless to say that inadequate attention to the functioning of an FPS due to 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.

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 West) is upheld and the appeal is accordingly dismissed.

The appeal is disposed off.

Parties be informed accordingly.



(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/62-64

Dated: 25-5-21

Copy to :-

1. The Asstt. Commissioner (South West), F&S Deptt. GNCT of Delhi
2. Sh. Satish Kumar, Prop. of M/s Satish Kumar (FPS No. – 7959), C-35 through Asstt. Commissioner (South West).
3. Sh. Satish Kumar, Prop. of M/s Satish Kumar (FPS No. – 7959), C-35, R/o House No. 61, Lokesh Park, Ext-1, Najafgarh, Delhi.



(PADMINI SINGLA)

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