

**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/ 513- 516

Dated: 04-01-2022

Appeal No. 29/2021

M/s. Hoshiar Singh
FPS No. 6138, C-44 (R.K. Puram)

Shri Shamsheer Singh, (Prop.)

.....Appellant

Versus

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

.....Respondent

Date of Hearing : 24.12.2021

ORDER

The instant Appeal has been filed by Sh. Shamsheer Singh, Prop. M/s. Hoshiar Singh, FPS No. 6138, Circle - 44 (R.K. Puram) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order No. F.AC(ND)/F&S/FPS.6138/2018/300 dated 02.04.2018 passed by Assistant Commissioner (New Delhi).

Shri Shamsheer Singh, Appellant alongwith Shri Shailendra, Authorised Representative of the appellant and Shri Vinod Kumar, Assistant Commissioner (New Delhi) were present.

The Case was called and heard at length.

The Authorised Representative of the Appellant submitted that the present appeal has been filed to withdraw resignation tendered by the appellant on 15.01.2018 due to domestic circumstances and illness of his wife. The resignation was accepted by Assistant Commissioner (New Delhi)/ Licensing Authority vide order dated 02.04.2018. He pleaded that the appellant wants to withdraw resignation tendered by him as the FPS is the only source of income for him. He further submitted that due to some domestic problem the present appeal filed late. He stated that no vacancy of FPS has been notified in the above area by the Department. The Authorised Representative submitted that the wife of Appellant is still on bed since 2005 and his son is unemployed and responsibility of one widow sister, her two minor children is also lies with him.

The Assistant Commissioner (New Delhi) contended 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 domestic problems. Ample opportunities were also provided to FPS holder to re-think but on his consent the licensing authority had no option left but to accept the resignation tendered by him. Hence, the appeal filed by the FPS holder is not maintainable.

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After hearing contentions of both the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation on 15th January, 2018 which was accepted on his own will by the Assistant Commissioner (New Delhi)/ Licensing Authority after offering ample opportunity of hearing on 31.03.2018. He filed the instant Appeal on 08.10.2021 i.e. almost a gap of three and half year which is already time barred as per provisions contained in the Department's order dated 12.01.1981.

In his application he referred the reason of resignation domestic/personal problem, for which certain provisions have been laid down by the Department to address issues pertaining to leave which the Appellant chose not to exercise. On his free will he relinquished the licence/authorisation of Fair Price Shop. 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 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 (New Delhi) dated 02.04.2018 is upheld and the appeal is accordingly dismissed.

The appeal is disposed off.

Parties be informed accordingly.


(NEERAJ SEMWAL)

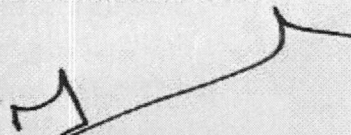
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM/AA/FPS Appeal/F&S/2021/513-516

Dated: 04-01-2022

Copy to :-

1. The Assistant Commissioner (New Delhi), F&S Deptt. GNCT of Delhi
2. Shri Shamsher Singh, Prop. M/s. Hoshiar Singh (FPS No. -6138), C-44 (R.K. Puram) through Assistant Commissioner (New Delhi).
3. Shri Shamsher Singh, Prop. M/s. Hoshiar Singh (FPS No. -6138), C-44 (R.K. Puram), R/o 119-B, Munirka Village, New Delhi - 110067.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY