

OFFICE OF THE SPECIAL COMMISSIONER / APPELLATE AUTHORITY
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS
GOVT. OF NCT OF DELHI,
ROOM No.110 ,1ST FLOOR, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE,
NEW DELHI-110002.

No.F. SPL.COMM./AA/FPS Appeal/F&S/2022/1078-82

Dated: 19/10/2022

Review Appeal No. 15/2022
Appeal No. 29/2021

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

Shri Shamsher Singh

.....Appellant

Versus

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

.....Respondent

Date of Hearing : 29.09.2022

ORDER

The instant Review Appeal has been filed by Sh. Shamsher 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) and to review the Order No.PS/COMM/AA/FPS Appeal/F&S/2021/513-516 dated 04.01.2022 passed by the then Commissioner (F&S)/Appellate Authority.

Shri Shamsher Singh, Appellant and Shri Ashok Kumar, Assistant Commissioner (New Delhi)/Respondent were present.

The brief facts of the case are as under:-

The appellant filed an appeal on 08.10.2021 for grant of permission to withdraw resignation tendered by him on 15.01.2018 due to domestic circumstances and illness of his wife. The resignation was accepted by the then Assistant Commissioner (New Delhi)/ Licensing Authority vide Order No. F.AC(ND)/F&S/FPS.6138/2018/300 dated 02.04.2018. The request / Appeal dated 08.10.2021 was heard by the then Commissioner (F&S)/Appellate Authority and after granting an opportunity of hearing on 24.12.2021 being devoid of merits vide Order No.PS/COMM/AA/FPS Appeal/F&S/2021/513-516 dated 04.01.2022, the Appeal was dismissed. Accordingly, the Appellant filed the present review appeal for reconsideration.

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The Case was called and heard at length.

The Appellant pleaded that now he wants to withdraw resignation tendered by him on 15.01.2018 as the FPS is the only source of income for him. He submitted that due to some domestic problem and illness of wife he tendered his resignation. He stated that his wife got two paralysis attacks and was disabled. He further submitted that he have alone responsibility and liabilities of his ailed and disabled wife, 02 unemployed children, one widow sister alongwith her one minor children all residing with him. He stated that he has no any other source of income to meet out the said liabilities and requested for consideration of request on sympathetic ground.

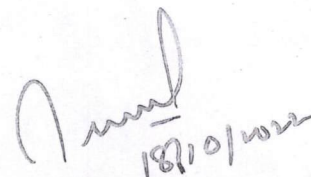
The Assistant Commissioner (New Delhi)/Respondent contended that the resignation was tendered by the FPS holder on his own free will and was accepted with the free consent of FPS holder as such he was not interested to run the FPS due to domestic problems. Ample opportunities were also provided to FPS 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.

After hearing contentions of both the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is observed that the FPS holder filed an application for acceptance of resignation on 15.01.2018 which was accepted on his own will by the Assistant Commissioner (New Delhi)/ Licensing Authority after offering opportunity of hearing on 31.03.2018. 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

In view of the above, I am of the considered opinion that feasibly no new fact is adduced by the appellant for re-consideration which enlighten his claim, so, it is not possible to allow the restoration of the authorisation relinquished by the licensee on his own free will. Hence, the review appeal filed by the petitioner has no merit and the Cancellation Order dated 02.04.2018 passed by the Assistant Commissioner (New Delhi), Order dated 04.01.2022 passed by the then Commissioner (F&S)/Appellate Authority are hereby upheld and the review appeal is dismissed. Further, the Appellant is at liberty to file appeal to the next higher authority i.e. Financial Commissioner, Govt. of NCT of Delhi against the above mentioned orders if he desires so.

The review appeal is disposed of.

Parties be informed accordingly.



(SUSHIL SINGH)

SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY

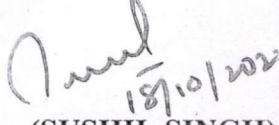
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No. F. SPL.COMM./AA/FPS Appeal/F&S/2022/ 1078-82

Dated: 18/10/22

Copy to :-

1. The Assistant Commissioner (New Delhi), F&S Deptt. GNCT of Delhi.
2. Shri Shamsheer Singh, Prop. M/s. Hoshiar Singh (FPS No. -6138), C-44 (R.K. Puram) through Assistant Commissioner (New Delhi).
3. Shri Shamsheer 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.
5. PS to CFS for information pls.


18/10/22
(SUSHIL SINGH)

SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY