

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF FOOD & SUPPLIES
KHADYASHRI BHABAN, 11A, MIRZA GHALIB STREET,
KOLKATA-700087

MEMORANDUM

No. 3240(50)-FS/O/Sectt./CSS/7S-107/21
To

Dated, Kolkata the 17th September, 2021

1. Director, DDP&S/Rationing/Consumer Goods.
2. All District Controllers (F&S).
3. All Sub-Divisional Controllers (F&S).

Sub: Processing of the cases of sister and brother for engagement against the license of a deceased dealer/distributor/agent, who was spinster/bachelor at the time of his death, in the light of the judgement dated 19th September, 2021 of the Hon'ble High Court passed in the matter of WP No. 449 of 2019 (Durga Das Vs. State of West Bengal).

Being excluded from the definition of "family members" in the West Bengal Public Distribution System (Maintenance & Control) Order, 2013, West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013 and West Bengal Kerosene Control Order, 1968, at present sister and brother of a deceased dealer/distributor/wholesaler/agent, who is spinster/bachelor at the time of his death, is not come under the purview of the definition of "family" and as such not entitled to be considered for engagement as a dealer/distributor/wholesaler/ agent on compassionate ground against the licence of his/her deceased brother or sister, who was bachelor/spinster at the time of his death.

In the backdrop of observation of the Hon'ble High Court, Calcutta on 19th September, 2019 in the matter of WP No. 449 of 2019 (Durga Das Vs. State of West Bengal), the issue has been examined at length and it has been decided to abide by the judgment of the Hon'ble High Court and accordingly, all concerned are hereby directed to process the cases of brother/sister for engagement against the license of a deceased dealer/distributor/wholesaler/ agent, who was bachelor/spinster at the time of his death, in the light of the aforesaid judgement of the Hon'ble High Court upon their meeting the requisite eligibility criteria and other provisions as per the applicable Control Orders.

Necessary amendments in the WBPDS (M&C) Order, 2013, WBUPDS (M&C) Order, 2013 and WBKCO, 1968 will be made in due course.

SD/-
Secretary to the Govt. of West Bengal,
Department of Food & Supplies.

No. 3240(5)/1(4) -FS/O/Sectt./CSS/7S-107/21

Dated, Kolkata the 17th September, 2021

Copy forwarded for information to:

- (1) Secretary in Department, Food Cell, Food & Supplies Department, Khadya Bhaban, 11A, Mirza Ghalib Street, Kolkata 700087.
- (2) Additional Secretary, IT Cell, Food & Supplies Department, Khadyashree Bhaban, 11A, Mirza Ghalib Street, Kolkata 700087, with a request to kindly make arrangement of uploading the order.
- (3) PS to Minister-In-Charge, Food & Supplies Department, Khadyashree Bhaban, 11A, Mirza Ghalib Street, Kolkata 700087.
- (4) Sr. PS to Principal Secretary, Food & Supplies Department, Khadyashree Bhaban, 11A, Mirza Ghalib Street, Kolkata 700087.

Joint Secretary (Law),
Government of West Bengal.

OSD - Addl. Secy / FS
20.9.21

Addl. Secy,
IT Cell