



2026:AHC:57792

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6956 of 2026

Satendra Kumar Pandey

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Avnish Kumar Rai, Samarath Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Samarth Singh, learned counsel for the petitioner and learned Standing Counsel for the respondent no.1 and 2.
2. The present petition has been filed challenging the order of respondent no.2 - District Supply Officer, Ghazipur, dated 20.01.2026, rejecting the claim of the petitioner for allotment of fair price shop as dependent of his deceased brother, late Hirendra Kumar Pandey.
3. Facts of the case are that the elder brother of the petitioner, late Hirendra Kumar Pandey, was allotted fair price shop dealership in the year 1988, which he continued to run with the help of the petitioner till his death on 26.01.2025. Thereafter, the petitioner moved an application for allotment of the existing shop in his name being Head of Family as contemplated under clause IV(10)(Ka) of the Government Order dated 05.08.2019. The respondent no.2 by his order dated 24.04.2025 rejected the claim of the petitioner being not included in the definition of family under clause IV(10) of the Government Order dated 05.08.2019. The petitioner challenged the order of respondent no.2 dated 24.04.2025 before this Court in Writ-C No.20463 of 2025, which was disposed of on 09.07.2025 with liberty to the petitioner to submit fresh application stating all the facts alongwith necessary papers and with direction to take fresh decision considering the entitlement of the petitioner in view of the Govt. Order dated 05.08.2019. The respondent no.2 by his order dated 11.09.2025 again rejected the claim of the petitioner by observing that he does not fall in the definition of family as contemplated under Govt.

Order dated 05.08.2019. The said order was also challenged before this Court in Writ-C No.36901 of 2025, which was allowed by the judgment and order dated 29.10.2025, setting aside the order of respondent no.2 dated 24.04.2025 and directing him to decide the claim of petitioner afresh considering the decisions of this Court passed in the cases of Sunil Kumar Yadav vs. State of U.P. and others bearing Misc. Single No.13015 of 2020, decided on 03.09.2020 and Akanksha Yadav vs. State of U.P. and others bearing Writ-C No.1827 of 2024, decided on 21.03.2024. The relevant paragraph nos.9 and 10 of the judgment dated 29.10.2025 are reproduced hereinafter:-

"9. Having heard the learned counsel for the parties and after perusing the record, it is evident that the petitioner apart from being a dependent brother of the original fair price shop dealer, was also a co-licensee of the original fair price shop licence holder, namely Sri Hirendra Kumar Pandey. As the petitioner was running the fair price shop alongwith late Hirendra Kumar Pandey, who was unmarried, the petitioner became the head of the family after his death and also surviving co-dealer of the fair price shop. The judgments relied by the counsel for the petitioner have been annexed alongwith the writ petition as Annexure 16, passed considering the provisions of the Government Order dated 5.8.2019, the Courts have enlarged the definition of the family including grandson and real sister to be the member of the family being dependent on the licence holder.

10. The respondent no. 2 while passing the impugned order dated 11.9.2025 has failed to record finding as to why the claim of the petitioner could not be considered being the head of the family as directed by this Court in its judgment and order dated 9.7.2025, passed in Writ Petition No. 20463 of 2025. The admitted fact that petitioner was jointly running the fair price shop, as is evident from the order dated 4.11.2006, which has not been considered while rejecting the claim of the petitioner by the respondent no. 2."

4. In pursuance of the judgment of this Court dated 29.10.2025, the respondent no.2 has again rejected the claim of the petitioner by his order dated 20.01.2026, observing that brother does not fall within the

definition of family under the Govt. Order dated 05.08.2019 and there is no provision under which a brother assisting a physically disabled allottee can be transferred the fair price shop after his death. A further finding has been recorded that the petitioner was not completely dependent upon his deceased brother, the original fair price shop allottee. Thus aggrieved, the petitioner again is before this Court in the present petition challenging the order dated 20.01.2026.

5. It is contended by the counsel for the petitioner that the finding recorded by the respondent no.2 in his order dated 20.01.2026 to the effect that the petitioner was not completely dependent on his deceased brother, late Hirendra Kumar Pandey, the original fair price shop allottee, is based on no evidence, despite the admitted fact that the petitioner was helping his disabled brother in running the fair price shop and he had no other other source of income being surviving eldest member in the family was wholly dependent upon his deceased brother. It is further contended that the entire order does not recorded any reason for the finding that the petitioner was not dependent upon his deceased brother. It is argued that the observation made by the Court in the order dated 29.10.2025, remanding the matter to be decided afresh, cannot be ignored by the authority concerned while passing fresh order. In support of such contention, learned counsel for the petitioner relies on a Coordinate Bench judgment of this Court in the case of Smt. Kalawati vs. State of U.P. and others, 2017 (1) ADJ 456 (LB). Paragraph no.22 of the aforesaid judgment is relied upon, which reads as under:-

"22. Once a direction has been issued to decide the matter afresh in the light of the observations made in the order, the said observation cannot be ignored by the authority concerned. It has to confine its order in terms of the observations of the Court. It is not open to it to reject the claim on a fresh ground which was not mentioned in the earlier impugned order, and ignore the observations of the Court. This type of attitude of the authorities not only wastes the invaluable public time but also cause loss to the public exchequer. If any authority or person finds that the observation of the Court is contrary to the law and is improper, it is always open to the State/its functionaries/aggrieved person to challenge the order/observation of the Court taking recourse to such proceeding

which is available to him but the direction of the Court must be obeyed. It cannot be ignored. The Supreme Court in the case of Commissioner, Karnataka Housing Board v. C. Muddaiah, (2007) 7 SCC 689, has observed thus:

"32. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of law is not complied with or is ignored, there will be an end of the rule of law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.

32. The matter can be looked at from another angle also. It is true that while granting a relief in favour of a party, the Court must consider the relevant provisions of law and issue appropriate directions keeping in view such provisions. There may, however, be cases where on the facts and in the circumstances, the Court may issue necessary directions in the larger interest of justice keeping in view the principles of justice, equity and good conscience. Take a case, where ex facie injustice has been meted out to an employee. In spite of the fact that he is entitled to certain benefits, they had not been given to him. His representations have been illegally and unjustifiably turned down. He finally approaches a Court of law. The Court is convinced that gross injustice has been done to him and he was wrongfully, unfairly and with oblique motive deprived of those benefits. The Court, in the circumstances, directs the authority to extend all benefits which he would have obtained had he not been illegally deprived of them. Is it open to the authorities in such case to urge that as he has not worked (but held to be illegally deprived), he would not be granted the benefits? Upholding of such plea would amount to allowing a party to take undue advantage of his own wrong. It would perpetrate injustice rather than doing justice to the person wronged."

6. Learned Standing Counsel, on the other hand, has supported the order of respondent no.2 dated 20.01.2026 but could not point out any observation of the respondent no.2 in the aforesaid order, on the basis of which, the finding that the petitioner was not dependent upon his deceased brother has been recorded.

7. I have considered the submissions made by the counsel for the parties and perused the record.

8. This Court vide its order dated 29.10.2025 had remanded the matter back to the respondent no.2 to consider the claim of petitioner mainly on two grounds that being associated with original allottee of the fair price shop, who was physically disabled, the petitioner could be allotted the shop after his death and secondly, being Head of Family is he entitled for being considered for allotment of fair price shop held by his deceased brother in view of the Govt. Order dated 05.08.2019.

9. The perusal of order dated 20.01.2026, passed by the respondent no.2, after considering the judgments referred by this Court in its earlier order and the provisions relating to assistance provided to physically disabled allottee of fair price shop dealer, shows that respondent no.2 has recorded a finding that there is no provision of transfer of fair price shop in favour of person, who has been nominated as an assistant to the fair price shop dealer for running the shop. It has been further clarified by referring to the various govt. orders that the petitioner was never inducted as a co-dealer alongwith his brother of the fair price shop.

10. However, while considering the claim of the petitioner under Clause IV(10)(Ka) of the Govt. Order dated 05.08.2019, the respondent no.2 has only observed that in the present case the petitioner was not completely dependent on the earlier allottee, late Hirendra Kumar Pandey. The said finding is not based on any material and no reasons have been recorded as to why the petitioner cannot be considered as a dependent of his deceased brother when he had been actually running the fair price shop of his brother, who was admittedly disabled. However, partial dependency of petitioner on his deceased brother is also not clarified by the respondent no.2 while rejecting the claim of petitioner for allotment of fair price shop

on compassionate ground under clause IV(10)(Ka) of the Govt. Order dated 05.08.2019.

11. In view of the aforesaid, the order of respondent no.2 dated 20.01.2026 being bereft of reasons for rejection of the claim of petitioner on the ground that why his claim could not be considered under clause IV(10)(Ka) of the Govt. Order dated 05.08.2019, is unsustainable and is liable to be set aside.

12. Accordingly, the writ petition is allowed. The order dated 20.01.2026, passed by the respondent no.2, is set aside. The respondent no.2 is directed to decide the application of the petitioner afresh in regard of his claim for allotment of fair price shop, on compassionate ground, earlier allotted to his deceased brother, under the provisions of clause IV(10)(Ka) of the Govt. Order dated 05.08.2019 being Head of Family. The aforesaid exercise shall be completed within one month from the date of presentation of a certified copy of this order.

(Arun Kumar,J.)

March 20, 2026

Ashok Kr.