

**HIGH COURT OF JAMMU AND KASHMIR AT JAMMU**

**SWP No. 1802/2018**

**IA No. 01/2018**

**Date of order: 07.09.2018**

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Nissar Ahmed & ors.

Vs.

State and ors.

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**Coram:**

**Hon'ble Mrs. Justice Sindhu Sharma, Judge.**

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**Appearing counsel:**

For Petitioner/Appellant(s) : Mr. Rahul Pant, Advocate.

For respondent (s) :

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|-----|------------------------------------------|---|--------|
| i/  | Whether to be reported in Press/Media    | : | Yes/No |
| ii/ | Whether to be reported in Digest/Journal | : | Yes/No |

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Learned counsel for the petitioners states that petitioners are Tehsil Supply Officers and are distributing food grains on approved rates under National Food Security Act (NFSA) as per Order No. 50-FCSCAJ/Plg of 2016 dated 05.10.2016, payment of which stood deposited by them.

The contention of the petitioners is that although there was revision of rates of NPHH category, the same was not communicated to them as such the allocation of food grains/ration was done at the existing rates. A clarification with regard to this had also been sought on behalf of respondent No.2 vide communication No. DFCSCAJ/P&S/2016-17/MMSFES/3134-40 dated 05.11.2016.

Now the respondents vide communication dated 28.02.2018 (Annexure E) have sought to recover the outstanding amount due to rate variations in the month

of October, 2016 from the petitioners despite the fact that the revised rates for the month of October, 2016 were never communicated to them.

Issue notice to the respondents returnable within four weeks.

List in the week commencing 29.10.2018.

Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, recovery in terms of Communication No. DFCS&CA/J/Accts/2017-18/6004-18 dated 28.02.2018 qua the petitioners shall not be effected upon.

**(Sindhu Sharma)**  
**Judge**

**Jammu:**  
**07.09.2018**  
**Pawan Chopra**

