

Court No. - 8

Case :- WRIT - C No. - 22417 of 2019

Petitioner :- Ram Narayan

Respondent :- Joint Commissioner Food Lucknow Division Lucknow
And Anr.

Counsel for Petitioner :- Hemant Kumar Mishra, Arti Ganguly

Counsel for Respondent :- C.S.C

Hon'ble Pankaj Bhatia, J.

1. Heard the counsel for the petitioner and the learned Standing Counsel.

2. The present petition has been filed by the petitioner challenging the order dated 17.11.2017 whereby the cancellation order was passed against the petitioner as well as the order dated 25.05.2019 whereby the appeal preferred by the petitioner was dismissed.

3. What transpires from the record is that the petitioner was served with a show cause notice on 01.09.2017 alleging that certain discrepancies were found in the stock register. It was also mentioned that the cardholders mentioned at serial no.3 to serial no.30 have given a statement with regard to improper supply of food-grains against the petitioner. The allegations with regard to non-maintenance of rate cards were also alleged in the show cause notice. The petitioner gave a reply to the said show cause notice denying the allegations. A specific reply was given with regard to each of the persons who had allegedly given statement against the petitioner. Along with the said reply, the petitioner had enclosed notarized affidavits and statements of various cardholders in his favour. However, an order came to be passed against the petitioner on 17.11.2017, the said order is on record as Annexure no.2. In the said order, after recording the submissions in the charge-sheet as well as the defense of the petitioner, the only conclusion recorded is that the defense of the petitioner was seen, the petitioner had not given any written evidence in his favour, the petitioner was granted opportunity of hearing and all the twenty three allegations levelled against the petitioner were found to be proved.

4. Challenging the said order, the counsel for the petitioner argues that no reasoning whatsoever have been recorded to arrive at the conclusion that as contained in the cancellation order. The evidences specifically given along with the defense have been brushed aside and have not been considered. The said

arguments merits acceptance inasmuch as, recording in the order that no evidence was adduced, is perverse on the face of it as the petitioner had specifically given defense and the statements of various cardholders and thus to that extent the order suffers from vice of perversity and without any reasoning whatsoever. The appellate order is more cryptic than the cancellation order and does not consider anything whatsoever.

5. Thus, on both the said grounds, the orders dated 17.11.2017 and 25.05.2019 cannot be sustained and are quashed. The writ petition is ***allowed***. The shop in question shall be restored to the petitioner in accordance with law.

Order Date :- 14.12.2023

VNP/-