

CWP No.120 of 2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.120 of 2014

Date of Decision: July 02, 2015

Anil Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Vibha Dhiman, AAG, Haryana.

AUGUSTINE GEORGE MASI, J. (Oral):

Petitioner has challenged the order dated 29.11.2013 (Annexure P-3) passed by the Appellate Authority-respondent No.3 and the order dated 18.09.2013 (Annexure P-1) passed by the District Food and Supply Controller, Jhajjar, whereby, the licence of the petitioner issued to him for running the ration depot, has been cancelled.

Perusal of the impugned orders show that the same have been passed without taking into consideration the fact that the petitioner has been running the ration depot since the year 2003 and there has not been any complaint against him till the year 2013. Further, as per the information supplied, out of the 300 ration card holders, only 10 people have come forth to assert that they have not been supplied the ration and that too for the period of two/three months.

One of the grounds which has been taken against the petitioner is that the entries have been made in the records on the same day when the records were called for. Perusal of the records which have been produced in Court show that the sales have been shown for the days on which the ration has been sold to the ration card holders. Obviously on the said date, the entries have to be made. There is nothing on record to suggest that the distribution of the ration was done on various dates and no entries were made in the register. Merely because the entries have been made on one day or the other, does not give a right of presumption that entries have not been made on the days when the ration has been sold and thus, it cannot be said that the same has been done in one day. Conclusion had been, therefore, drawn by the respondents without there being any specific evidence to that effect.

The records also indicate that there are certain cuttings being made in the register maintained but those are not material as far as complaint against the petitioner is concerned and therefore, would not make any difference with regard to the allegations against the petitioner as it relates to the seriatim numbers, which is a clerical error only. The reasons assigned for cancelling the licence of the petitioner vide impugned orders, thus, cannot be said to be justified.

In view of the above, the present writ petition is allowed. The impugned orders dated 18.09.2013 (Anneuxre P-1) and dated 29.11.2013 (Annexure P-3) are hereby set aside.

July 02, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE