

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20478 of 2011
Date of Decision : 04.09.2015.

Sukhdev Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Ashok Bhardwaj, Advocate for the petitioners.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Mr. R.S. Dhaliwal, Advocate for respondent No. 4.

Paramjeet Singh, J.(Oral)

The instant petition has been filed under Article 226 of the Constitution of India for quashing the licence (Annexure P-9) issued to respondent No. 4 under the Public Distribution System.

Learned counsel for the petitioners contends that there are already existing 3 ration depots and 4th ration depot could not have been created. This is contrary to the Instructions issued by the Govt. specifically instruction dated 03.12.2009 (Annexure P-5). It is further contended that a letter dated 14.01.2010 (Annexure P-7) was written for clarification but no reply has been given to that.

On the other hand, learned counsel for respondent No. 4 as well as learned State counsel have filed their separate replies categorically stating that at present there are 902 Ration cards in village Hariao, Tehsil Lehra, District Sangrur. Since the strength has exceeded 900, another Ration Depot has been created.

I have considered the contentions raised by learned counsel for the parties and perused the record.

Since the depots of the petitioners fall in the rural area, the Sub para (b) of the Instructions dated 03.12.2009 (Annexure P-5) shall apply, which reads as under :-

“b) REGARDING FILLING OF VACANT VACANCIES:

In this regard it has been decided that each D.F.S.C. will count one (1) vacancy in the Urban Areas of his District on the basis of cards at Block level/ward level and after 599 cards, 2nd vacancy will be counted.

In every village one depot shall be treated and upto 300 cards one (1) vacancy shall be counted and if the number of cards is between 300 to 599 than 2nd vacancy shall be counted. The backlog of lasses of vacancies will not be counted. List of fresh vacancies will be issued.”

It has categorically been mentioned that if the number of cards exceeds to 299 then another vacancy will be created, meaning thereby, where two vacancies are existing, 3rd vacancy will be created after number exceeds 599.

Since in the present case, 902 ration cards are there. Even as per the Instructions dated 03.12.2009 (Annexure P-5) one depot shall be treated up to 300 cards, therefore, up to 902 ration cards, 4th vacancy has rightly been created by the respondents.

In view of the above, no ground is made out to interfere in the present petition and the same is hereby dismissed.

September 04, 2015.
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(PARAMJEET SINGH)
JUDGE