

CWP No.19078 of 2015

[1]

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

**CWP No.19078 of 2015
Date of decision:10.09.2015**

Sudhir Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has challenged orders dated 18.03.2013 and 19.03.2015 by which his license of the Ration Depot in village Kheri Damkan, Tehsil Gohana, District Sonapat, Haryana, has been cancelled.

In short, Smt. Sunita Verma, Inspector, Food and Supplies, Gohana, made a complaint on 14.02.2013 to the Assistant Food & Supplies Officer, Gohana, against the petitioner about his gross misbehaviour. The petitioner was served with a show cause notice on 18.02.2013. After giving opportunity of hearing to both the parties, a detailed order was passed by the District Food & Supplies Controller, Sonipat, observing that *“the conduct of this Depot Holder is wrong with a lady employee, which is a matter of thought, whereas whenever the attempts were made to misbehave with the lady employee, she told me on telephone. But it is a matter of regret that*

CWP No.19078 of 2015

[2]

despite posting of whole staff in Gohana office, none of the employee/officer has stopped the Depot Holder from misbehaving and in this regard, the displeasure be sent to the Assistant Food & Supply Officer, Gohana and exercising the powers conferred under Section 13 of the Haryana Public Distribution System (Supply and Control) Order, 2009, while cancelling the Ration Depot of this Depot Holder Shri Sudhir Pal, village Kheri Damkal, I hereby pass speaking orders to forfeit his complete security. Order may be intimated accordingly”.

The petitioner challenged the said order dated 18.03.2013 by way of an appeal before the District Magistrate, Sonipat. The appeal too was dismissed on 19.03.2015, with the following observations:-

“After hearing both the parties, it was found that the Depot Holder has misbehaved with the lady employee in the presence of other persons and he also threatened her. It is also a very wrong act to create hindrance in the official work. The affidavits of two persons produced by the appellants seem to be prepared after thought. The Depot Holder was also given an opportunity for personal hearing. At the time of personal hearing, he had not produced any proof in his favour. On the basis of above facts, the charge has been proved against appellant in all respects. Therefore, appeal of the appellant is hereby dismissed. The file may be consigned to the record room after due compliance.”

Counsel for the petitioner has argued that the complainant has not led any evidence though other employees were also present in the office at the relevant time.

CWP No.19078 of 2015

[3]

After hearing learned counsel for the petitioner and perusing the available record, I am of the considered opinion that the petitioner has otherwise failed to allege any animosity of the complainant with him. Moreover, the principles of natural justice have been followed as the petitioner was given a show cause notice and full opportunity of hearing was granted to him before taking action against him.

In view thereof, I do not find any merit in the present writ petition and hence, the same is hereby dismissed, though without any order as to costs.

September 10, 2015
vinod*

(Rakesh Kumar Jain)
Judge