

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

Civil Writ Petition No.4946 of 2014

Date of decision: 30.01.2015

Ajay Kumar

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Nand Lal Sammi, Advocate,
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. Pursuant to the directions issued on 18.12.2014, the State has filed reply by way of affidavit through the District Controller and also the recovery memo and show cause notice. The grievance in the writ petition is that the petitioner's licence to run a depot vending essential service of products under the control of Food and Supplies Department was cancelled on the ground that some stocks were missing and there had been suspicion of misappropriation. The petition was filed on a plea that the stocks had also been properly maintained and the stocks were actually

found in the depot conformed to the relevant entries in the stock register. It appears that the explanation was sought from Shri Harpreet Singh, who was the Assistant Food and Supplies Officer, to make enquiries and give a report and the affidavit filed now by the District Controller vindicates petitioner's stand that Harpreet Singh had certified that there was no deficiency and the stocks were intact. As regards the fact that the Secretary, Food and Supplies and Consumers Affairs has issued a notice to Harpreet Singh stating that the report is wrong and that he was called upon to give explanation for the wrong report and as regards the complaint registered with the police, the counsel for the State submits that although 3 years have passed, the investigation has not been completed and the challan has not been presented before the court yet. I do not think the decision to cancel the licence is appropriate in a situation where there is nothing on record to show that there had been misappropriation. If the investigation for an act of misappropriation in a small depot in a village would take 3 years, there is something cooking that is not fair. I will not allow for the suspension of licence to be continued and direct the restoration of the licence to the petitioner.

2. The State will be at liberty to take appropriate action if credible information is obtained of such misappropriation and if there is also a criminal case registered on such materials. As of now, I am convinced that there is nothing credible in favour of the

respondent to support its own decision to cancel/suspend the licence.

3. The impugned order is quashed and the writ petition is allowed with liberty to initiate fresh action if more or appropriate evidence is collected to prove the charges of what are imputed against the petitioner.

(K.KANNAN)
JUDGE

30.01.2015
sanjeev