

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

LPA No.1608 of 2015 (O&M)

Date of Decision: 05.11.2015

Des Raj

...Appellant

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Ms. Anupam Bhanot, Advocate, for the appellant.

HEMANT GUPTA, J. (ORAL)

The present Letters Patent Appeal is directed against an order passed by the learned Single Judge of this Court on 23.09.2015, whereby an order passed by an Authority cancelling the licence of fair price shop of the appellant was not interfered with.

The learned Single Judge recorded a finding that 18 consumers have deposed against the appellant that he had only supplied 10 Kgs. of Above Poverty Line (APL) wheat in the month of December, 2011, whereas 15 Kgs. of APL wheat was entered in the sale register. Thus, the appellant has misappropriated 90 Kgs. of APL wheat in the month of December, 2011. It is also found that in the sale register, the appellant has shown sale of APL wheat from Sr. Nos.118 to 132, but no signatures or thumb impressions of consumers exist against those entries as proof of sale.

The sole argument of learned counsel for the appellant is that appellant is running a fair price shop for the last about 17 years, whereas in somewhat similar circumstances, this Court has set aside the order

cancelling the licence in CWP No.11859 of 2008 titled 'Surinder Kumar Vs. Deputy Commissioner, Sirsa & another' decided on 27.03.2014.

We have heard learned counsel for the appellant and find no merit in the present appeal. The appellant cannot be permitted to take the ground of parity in the matter of action taken against two different defaulters. Reference may be made to the judgment delivered by the Hon'ble Supreme Court in Lucknow Kshetriya Gramin Bank Vs. Rajendra Singh (2013) 12 SCC 372.

Apart from the said fact, there is categorical finding of fact that not only the appellant has supplied short wheat to consumer, but he has shown the sale of wheat without the signatures or thumb impressions of consumers. The order cancelling the licence is a step to control and streamline the public distribution system.

Consequently, we do not find any illegality or irregularity in the order passed by the learned Single Judge, which may warrant any interference in the present appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

05.11.2015
AS/Vimal

(RAJ RAHUL GARG)
JUDGE