

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

CWP No. 14346 of 2015

Date of decision:14.03.2016

Balbir Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CWP No. 14362 of 2015

Vijay Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CWP No. 14378 of 2015

Heera Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. J.P.Sharma, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Rakesh Kumar Jain, J.(Oral)

This order shall dispose of three petitions bearing CWP
Nos.14346, 14362 and 14378 of 2015.

The facts are being taken from CWP No. 14346 of 2015

as the issues involved in all the cases are common.

Shorn off the unnecessary details, the petitioner is a Depot holder. He was served with a show cause notice by the District Food and Supply Controller, Narnaul for the alleged irregularities in the distribution of ration. The petitioner filed reply to the show cause notice and thereafter, he was called upon to appear in the inquiry. The petitioner submitted his reply along with the statement of the consumers of the ration from his depot but the said statements were ignored by the District Food and Supply Controller, Narnaul on the ground that the said statements have been given by the consumers under the pressure of the petitioner.

Aggrieved against the order, the petitioner had filed appeal before the Deputy Commissioner, Mahendergarh at Narnaul with the same plea which was taken by him before and his appeal was dismissed on 8.04.2015.

Aggrieved against both the orders, the present petition has been filed.

Counsel for the petitioner has submitted that as per clause 13 of the Haryana Public Distribution System(Licencing Price Control) Order, 2009 (for short, 'the Order') before imposing punishment, the petitioner should have been given a reasonable opportunity of being heard. It is submitted that since the evidence led by the petitioner has been ignored by the respondents only on the presumption that the statements appended with his reply of the consumers are obtained by the petitioner by putting pressure on them, therefore, the respondents have violated the basic principle

of natural justice which requires that the evidence led by the parties have to be taken into consideration before passing an order whether in favour or against.

Counsel for the respondents has submitted that show cause notice was given to the petitioner which is evident from Annexure R/3 and therefore, he cannot allege that there is violation of clause 13 of the Order.

I have heard both the learned counsel for the parties and perused the available record and am of the considered opinion that once the petitioner led its evidence, may be in the shape of statements of those consumers who have been taking ration from his depot, it should have been considered by the competent authority in its true perspective instead of rejecting the same on the presumption that he might have obtained those statements by putting them under pressure. The Competent Authority should have called those persons and recorded their statements and find out as to whether the statements which have been taken by the petitioner and appended with his reply were really under pressure or with free will.

In view of the aforesaid, the writ petitions bearing CWP Nos. 14346, 14362 and 14378 of 2015 succeed and the impugned orders are hereby set aside. However, the matter is remanded back to the District Food and Supply Controller, Narnaul who had initially passed the order, to reconsider the matter and record the statements of all those persons who had submitted their statements with the reply filed by the petitioner to find out as to whether they had acted under pressure or with free will.

Parties are directed to appear before the Competent Authority on 11.04.2016 and it is further directed that the Competent Authority shall complete the entire exercise within two months and pass the order on or before 30.06.2016.

14th March, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**