

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6982 of 2016
Date of Decision: April 12, 2016

Yogesh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Ram Pal Verma, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J.

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing orders dated 09.03.2015 (Annexure P/1) and 14.09.2015 (Annexure P/3) passed by respondent no.3 – District Controller, Food and Supply, Jhajjar, whereby Public Distribution System (P.D.S.) licence of the petitioner has been cancelled, as well as, order dated 22.03.2016 (Annexure P/5) passed by respondent no.2 – Deputy Commissioner-cum-Collector, District Jhajjar, whereby appeal filed by the petitioner has been dismissed.

Brief facts of the case are that the petitioner was granted PDS licence in the year 2005. Respondent no.4 – Anand Rathee filed a complaint against the petitioner before the District Controller, Food and Supply, Jhajjar. Vide order dated 09.03.2015 (Annexure P/1), the District

Controller, after receiving the inquiry report from Assistant Food and Supply Officer, Bahadurgarh, cancelled the P.D.S. licence of the petitioner. Against that, petitioner preferred an appeal before the Deputy Commissioner-cum-Collector, Jhajjar. The Deputy Commissioner vide order dated 21.07.2015 (Annexure P/2) set aside the order dated 09.03.2015 and remanded the case to the District Food and Supply Controller with a direction to pass a speaking order on the basis of merits and evidence. After considering the evidence on record, the District Food and Supply Controller, vide order dated 14.09.2015 (Annexure P/3) passed a speaking order and cancelled the P.D.S. licence of the petitioner. Against order dated 14.09.2015 (Annexure P/3), petitioner again preferred an appeal before the Deputy Commissioner, which has been dismissed by the Deputy Commissioner vide order dated 22.03.2016 (Annexure P/5). Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

The District Food and Supply Controller vide order dated 14.09.2015 (Annexure P/3), after considering the evidence on record and the statements of OPH Card holders from January, 2014 to December, 2014, came to the conclusion that petitioner has misappropriated total 17-15-000 quintals wheat from January 2014 to December 2014 of OPH/BHP category, 24 kgs. Sugar, 30 kgs. Pulses and 70 litres kerosene oil.

Findings of fact have been recorded by both the authorities which cannot be re-appreciated in writ jurisdiction.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the impugned orders passed by the District Food and Supply Controller and Deputy Commissioner.

In view of above discussion, the present writ petition fails.

Dismissed in limine.

April 12, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge