

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

CWP No. 24955 of 2012

Date of decision : 16.08.2017

Amrik Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

Mr. Rajbir Singh, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioner has posed a challenge to order dated 23.04.2012 passed by Secretary, Punjab Government, Food, Civil Supplies and Consumer Affairs. It has been urged before the court that Deputy Director as well as Director had decided against allotment of depot to Ram Singh (respondent no. 5 herein). He, however, preferred a representation before respondent no. 1 who directed that depot be allotted to Ram Singh. According to him, respondent no. 1 had no jurisdiction whatsoever to decide the issue, he being not the statutory authority under the Punjab Public Distribution System (Licensing and Control) Order, 2003.

Aforesaid contention insofar it relates to jurisdiction is not disputed by State counsel.

Under the circumstances, order dated 23.04.2012 is hereby set-aside. Matter is remitted to Director, Department of Food, Civil Supplies & Consumer Affairs for decision afresh after affording opportunity of hearing

to the parties. It is made clear that order passed by Director earlier on 29.05.2010 shall not stand in his way while passing the order.

August 16, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No