

CWP No.16375 of 2017

[1]

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

**CWP No.16375 of 2017
Date of decision:01.08.2017**

Kailash and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Kartar S. Malik-I, Advocate,
for the petitioners.**

Rakesh Kumar Jain, J.

The petitioners have challenged the order of the Deputy Commissioner dated 12.04.2017, by which he has reversed the order of the District Food and Supply Controller, Rohtak, by which ration depot of respondent no.5 was cancelled.

In short, respondent no.5 is running a ration depot at village Kakrana, Tehsil Kalanaur, District Rohtak. There were allegations against respondent no.5 of misbehaving and irregular distribution of ration, in which an inquiry was made and show cause notice was issued to respondent no.5 by the District Food and Supply Controller, Rohtak, and after taking the reply, passed the order dated 08.07.2016 of cancellation of ration depot dated 08.07.2016. The said order was challenged by respondent no.5 in appeal before the Deputy Commissioner. The Deputy Commissioner has allowed the appeal and reversed the order of the District Food and Supply Controller, Rohtak.

Counsel for the petitioners has submitted that the Deputy

Commissioner, while reversing the order, did not look into the inquiry and has, thus, committed an irregularity.

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

The Deputy Commissioner, vide his order dated 08.07.2017, granted one month's time to respondent no.5 to mend his ways and an Inspection Committee of the Gram Panchayat was appointed to supervise the distribution of ration and the Department of Food and Supply was directed to submit the report after one month. As per the report, the statement of 45 persons were recorded in which only three persons were not allegedly satisfied with the behaviour of respondent no.5 and there was no other complaint received in the department against him. Thus, keeping in view these facts and circumstances, the Deputy Commissioner has allowed the appeal. In my considered opinion, the Deputy Commissioner has adopted the right procedure and in that process, he did not find the behaviour of respondent no.5 as incorrigible.

Consequently, I do not find any error in the order of the Deputy Commissioner, which is under challenge and hence, the present petition is hereby dismissed.

August 01, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No