

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

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CWP No.21347 of 2015

Date of Decision: November 07, 2017

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Baldev Kumar @ Baldev Singh

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

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**CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

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Present: Mr.R.S. Longia, Advocate, for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

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**RAKESH KUMAR JAIN, J.**

The petitioner is aggrieved against the order dated 30.04.2015 passed by respondent No.3 and dated 29.7.2015 passed by respondent No.2 by which his license to run fair price shop (ration depot) has been cancelled.

In brief, the petitioner was granted license to run a ration depot in village Chibba, District Kurukshetra on 23.1.2004 under the Haryana Urban Distribution System (Licensing and Control) Order, 2009 [for short 'the Order']. One Roshan Lal s/o Banwari Lal made a complaint against the petitioner that he is not being given due ration by the petitioner. An enquiry was ordered in the said complaint through Assistant Food & Supply Inspector, Kurukshetra, who submitted his report on 21.1.2015 and highlighted certain irregularities. The District Food and Supplies Controller, Kurukshetra, on the basis of the said report, served a *show cause notice* to the petitioner to give his reply and appear in person. The petitioner submitted his reply. Thereafter, respondent No.3, vide his order dated 30.04.2015, found the petitioner remiss in discharge of his functions of the ration depot holder and while exercising his powers under Clause 13(1) of

the Order, cancelled his license. Aggrieved against the said order, the petitioner filed appeal to the Deputy Commissioner which was also dismissed on 29.7.2015.

Learned counsel for the petitioner has argued that both the authorities have erred in misreading the evidence on record. The cousin of the petitioner, who is working as Assistant-cum-Reader in the office of Deputy Commissioner, Kurukshetra wanted to have the license of the same depot for one of his family members and has conspired against him with Roshan Lal s/o Banwari Lal, who made the false complaint.

On the other hand, learned counsel for the respondents has submitted that not only the petitioner was found negligent in supply of the ration but also several other irregularities were also found by the enquiry officer violating the provisions of the Order. It is also submitted that the due procedure has been adopted before passing the order of cancellation of license and the appellate Court has also re-apprised the facts while dismissing the appeal.

I have heard learned counsel for the parties and after perusal of record, am of the considered opinion that the petitioner has been given due opportunity by way of *show cause notice* and after receiving the reply, he was also given opportunity to appear and then taking into consideration the enquiry report and various other facts, the impugned orders have been passed. One of the salient features of the impugned orders is that on perusal of sale register of pulses, it was found that in the register of September, 2014, most of the people have thumb-marked but their names were not mentioned. It means that the thumb-marks have been put as an eye wash. Besides this there were other irregularities found including the fact that the

Learned counsel for the respondents has also referred to the decision of this Court rendered in *CWP No.16671 of 2015* titled as “*Rohtash Vs. State of Haryana and others*” decided on 04.08.2016.

In view of the aforesaid facts and circumstances, I do not find any merit in the present petition and the same is hereby dismissed though without any order as to costs.

November 07, 2017

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No