

CWP No.23858 of 2017

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23858 of 2017

Date of decision:26.10.2017

Maman Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. V.S.Rana, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 10.01.2017 passed by the District Food & Supplies Controller, Jhajjar (DFSC) whereby his license, issued under the Haryana Public Distribution System (Licensing Price Control) Order, 2009 (hereinafter referred to as the "Order"), has been cancelled and the order of the Deputy Commissioner-cum-Collector, Jhajjar dated 29.08.2017, by which his appeal has been dismissed.

In brief, the petitioner was running a ration depot bearing Depot Holder No.156 in village Kaimalgarh from the last 17-18 years. He was served with a show cause notice on 29.12.2016 as to why his license be not cancelled and he was directed to appear in person on 06.01.2017 at 11.00 am. In response thereto, the petitioner appeared before the DFSC and filed his reply. Thereafter, the impugned order was passed by the DFSC, Jhajjar on 10.01.2017. Aggrieved against that order, the petitioner filed statutory appeal before the Deputy Commissioner-cum-Collector, Jhajjar, which was dismissed on 29.08.2017.

Counsel for the petitioner argues that in terms of Clause 13 of the Order, the petitioner should have been given sufficient opportunities to defend,

whereas only one opportunity was given to him to file his reply and, thereafter, the impugned order was passed. In support of his submission, he has relied upon a decision of this Court rendered in the case of **Balbir Singh vs. State of Haryana and others**, CWP No.14346 of 2015, decided on 14.03.2016.

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

It is recorded in the order dated 10.01.2017 that the petitioner had misbehaved with the officials/officers during inspection and tried to cause obstruction in the inspection. Thereafter, he was given due opportunity to file reply after serving a show cause notice upon him. The said opportunity was availed of by the petitioner. However, he did not lead any evidence, therefore, the impugned order was passed on 10.01.2017. The petitioner filed statutory appeal before the Appellate Authority but did not appear to pursue his case as the Appellate Authority has recorded the following finding:-

“.....Even after sufficient wait, appellant did not appear in person or through his counsel and it appears that appellant has filed this appeal only with an intention of wasting precious time of court.....”

If this is the conduct of the petitioner, then how could he make a complaint for not granting sufficient opportunities to him by the respondents as the petitioner himself is at fault and cannot blame others.

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

October 26, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No