

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.687 of 2014 (O&M)

Date of decision: August 24, 2017

Smt. Kamlesh Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.P. Sharma, Advocate for the petitioner.
Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

Rajan Gupta, J.

Petitioner has prayed for issuance of a writ in the nature of certiorari for quashing order dated 27.8.2013, passed by respondent No.3 and order dated 27.11.2013, passed by respondent No.2, vide which the Public Distribution Licence (PDS) licence of the petitioner has been cancelled and sureties have been ordered to be forfeited, and also for restoration of the said licence.

Learned counsel for the petitioner has urged before this court that orders passed by the authorities suffer from patent illegality. According to him, due to political rivalry in the village, a false and frivolous complaint was made to respondent No.3 by Amit Kumar. The petitioner has not committed any embezzlement in distribution of ration.

Plea has been opposed by the State counsel. According to him, the petitioner by making false entries in the record, has misappropriated ration of many BPL/APL card holders. Thus, PDS licence of the petitioner was rightly cancelled by the authorities.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, petitioner was allotted Fair Price Shop (ration depot) licence on 22.10.2012 for supply of essential commodities under the Public Distribution System to the card holders. On receipt of a complaint regarding mal-practices in distribution of PDS items by the petitioner, an enquiry was conducted by the department through respondent No.4, who pointed out several irregularities in his report. According to said report, petitioner had made bogus entries for supply of ration to several persons of the village and misappropriated the ration, against several entries no date of sale of ration had been mentioned. Besides, there appears several cuttings in the register. In this manner, he committed violation of Haryana Public Distribution System (Licensing & Control) Order, 2009. A show cause notice was issued to the petitioner and after affording personal hearing, the authority cancelled licence of ration depot of the petitioner on 27.8.2013. Appeal filed by the petitioner was also dismissed by the Deputy Commissioner, Mohindergarh at Narnaul on 27.11.2013.

I find no infirmity with the orders passed by the authorities below. The authorities have acted in accordance with the provisions of law. It found the petitioner guilty of tampering with the record by making bogus entries and misappropriating the ration. I am of the considered view that the authorities below have committed no error in cancelling the licence of ration depot of the petitioner. There is no ground to interfere in the writ jurisdiction. Petition is without any merit and is hereby dismissed.

August 24, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No