

CWP-7130-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7130-2017.

Decided on: April 5, 2017.

Vikas Goyal

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Akshay Jain, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Through the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus directing respondent Nos.1 and 2 to thoroughly investigate and enquire into the matter or get the same enquired through the State Vigilance Bureau-respondent No.4, regarding the irregularities in issuance of BPL cards to ineligible persons in the year 2016 within the area of Municipal Council, Bareta-respondent No.6.

Counsel for the petitioner has submitted that the petitioner is a public spirited person and is concerned about the Public Exchequer which is being misused by issuing Below Poverty Lines (BPL) Cards under the Punjab Food Security Rules, 2016.

Counsel for the petitioner further submits that any citizen of the area can seek benefit under the Atta Daal Scheme by filing claim form/self declaration form in Schedule-II, under Section 3 (i) of the above said Rules. Referring to the list Annexure P4, counsel for the petitioner submits that same has been communicated to the various authorities mentioned in Annexure P3, for holding an enquiry into the Blue cards under Atta Daal scheme.

The petitioner seeks vigilance action against the officials who indulged in the process of issuance of fake BPL Cards Blue Cards during the year 2016.

I have heard the counsel for the petitioner and with the assistance of the counsel, I have gone through the Rules. A perusal of the Rules indicates that a procedure for registering a complaint before the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in the grievance boxes installed in the office of the District Grievance Redressal Officer, has been prescribed. Rule 12 lays down the procedure for disposal of the complaints. The powers exercised by the District Grievance Redressal Officer have been mentioned in Rule 13. The constitution of State Food Commission is mentioned in Chapter V of the Rules. The decision on the complaint is an appealable order under Rule 21 read with Rule 15 of the above said Rules.

The petitioner appears to have not approached the District Grievance Redressal Officer by availing the remedy of filing a complaint under Rules 11 and 12 of the Punjab Food Security Rules, 2016.

Counsel for the petitioner has submitted that complaint

CWP-7130-2017

Annexure P3, which is addressed to Deputy Chief Minister and other authorities including the Deputy Commissioner, Mansa, is nothing but a complaint under the above said Statute.

I have considered the said contention and I am of the opinion that Annexure P3 is a letter sent to 12 persons for holding an inquiry regarding issuance of Blue cards under Atta Daal scheme. The said complaint does not fulfil the requirements of being a complaint under Rules 11 and 12 of the Punjab Food Security Rules, 2016.

This petition is disposed of as pre-mature with liberty to the petitioner to file a complaint by adopting the External Grievance Redressal Mechanism mentioned in Chapter IV of the Punjab Food Security Rules 2016, by filing a complaint addressed to the District Grievances Redressal Officer as per the procedure prescribed. In case the said complaint is not considered, it will be open to the petitioner to approach this Court for any direction permissible under the provisions of law.

(M.M.S. BEDI)
JUDGE

April 5, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No