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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2278 of 2018**

- Jai Ambe Swa Sahayata Samuh Village Chattigirola, Tehsil And Police Station Saraipali, District Mahasamund, Chhattisgarh Through Its Secretary, Smt. Rajni Gandha Choudhary W/o Shri Radheshyam Choudhary, Aged About 44 Years, R/o Village Chattigirola, Tehsil And Police Station Saraipali, District Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Women And Child Welfare Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. Director Directorate Of Women And Child Welfare Indirawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Collector, District Mahasamund, Chhattisgarh
4. District Programme Officer, Women And Child Welfare, District Mahasamund, Chhattisgarh
5. Project Officer, Integrated Child Development Programme, Women And Child Welfare, Block Saraipali, District Mahasamund, Chhattisgarh

---- Respondent

For Petitioner
For Respondent /State

Mr. Kishore Narayan, Advocate
Mr. YS Thakur, Additional Advocate
General

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****12/12/2018**

1. Heard.

2. It is argued by learned counsel for the petitioner that the petitioner's allotment of supply of ready to eat food material has been cancelled on alleged violation of non-maintaining of Stock Register of wheat and not having 3 phase connection as also for not having any record of verification of quality of ready to eat food material. However, in the inspection carried out by the Supervisor, four days prior to 24.1.2018, the petitioner was found to be maintaining the Stock Register as per the endorsement by the Supervisor at page 32 and 35 in the Stock Register.
3. In the agreement-Annexure P/1, there is no condition for having a 3 phase connection. Similarly, there is no allegation in the show cause notice-Annexure P/2 that any of the ready to eat food material supplied by the petitioner was of sub-standard quality. The show cause notice mentions that there is apprehension of misappropriation of stock account and alleged violation of the terms of the agreement. However, there is no material that at any point of time, the petitioner was involved in misappropriation of stock. For supply of ready to eat food material, the allottee purchases the stock from the PDS Food Grain Shop, therefore, it is apprehended that the petitioner may dispose of the food grains in the open market without using the purchased food grains from the PDS shop for manufacture of ready to eat food material.
4. It is to be seen that the order having civil consequences cannot be passed on mere apprehension. For such order to be passed,

there has to be definite finding of being involved in misappropriation. The order mentions that on an earlier occasion, the petitioner was found to have supplied sub-standard "*Moora Laddu*" and was imposed penalty of Rs.5500/-. If the authority did not take any further action in the matter in the past, the said issue having been closed, the same cannot be used for imposing a harsher punishment under the impugned order without there being allegation in the show cause notice that the petitioner has again supplied sub-standard ready to eat food material or was misappropriating the food grains from PDS Fair Price Shop.

5. On the basis of above stated discussion, it appears, the impugned order has not been passed on the basis of sufficient material for taking such grave action of cancellation of allotment and blacklisting the petitioner.
6. It is also to be seen that in the show cause notice, there is no mention that the petitioner shall be blacklisted. Thus, the said part of the impugned order has been passed in violation of principles of natural justice.
7. The impugned order is liable to be and is hereby set-aside.
8. The writ petition is allowed to the above extent.

Sd/-

(Prashant Kumar Mishra)

Judge

Shya