

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 11742 of 2017 (O&M)

Date of Decision: 27.09.2018.

Farooq

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Sanjay Kumar Saini, AAG Haryana
assisted by Irshad Ahmad Food & Supply Inspector.

JITENDRA CHAUHAN.J.

This civil writ petition has been filed under Article 226 and 227 of the Constitution of India for setting aside the order dated 09.09.2016 (Annexure P-1) passed by District Food & Supplies Controller, Mewat vide which the depot licence allotted to the petitioner was cancelled and also for setting aside the order dated 03.01.2017 (Annexure P-3) passed by Deputy Commissioner, Nuh vide which the appeal filed by the petitioner has been rejected.

It is contended that the petitioner was allotted licence No. MWT/PDS/608/110 for a joint depot in two villages i.e. village Karheri and village Maddi. The petitioner had been doing his duties honestly. However, with the change of panchayat of village Karheri, the petitioner was issued a show cause notice dated 10.08.2016. A

detailed reply was submitted by the petitioner however, respondent No.3 without discussing the relevant facts and circumstances, passed the impugned order dated 09.09.2016, Annexure P-1 cancelling the licence of the petitioner. Thereafter, the petitioner preferred an appeal before respondent No.2 which was dismissed vide order dated 03.01.2017 (Annexure P-3). It is contended that both the impugned orders are bad in law as the facts of the case have not been properly appreciated by the authorities.

On the other hand, the stand of the respondents is that a complaint was received by respondent No.3 against the petitioner for not distributing the ration to the beneficiaries as per the provisions of the Public Distribution System (Licensing & Control) Order 2009. An enquiry was marked to Inspector Food and Supply wherein it was found that the petitioner had been indulging in irregularities. Thereafter a show cause notice was issued to the petitioner. The reply filed by the petitioner was not found to be satisfactory, therefore, the licence of the petitioner was cancelled.

It has been informed by the learned State counsel that now, in village Maddi, the depot has been allotted to co-villager Imran, whereas, in village Karheri, the depot has been allotted to one Rashid.

Heard.

A perusal of the record shows that statements of 14 card holders were recorded by the District Food and Supply Controller,

Mewat and it was found that the petitioner had committed serious irregularities. The petitioner was not running the depot at the allocated site. He could not produce records before the inquiry officer. Further, the behaviour of the petitioner was not good towards the card holders. Even the affidavits purported to have been executed by some of the card holders presented by the petitioner before the inquiry officer were found to be fake. This Court finds no reason to interfere in the well speaking orders passed by the respondents. Consequently, the civil writ petition is dismissed.

27.09.2018.

SN

(JITENDRA CHAUHAN)**JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**