

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12380 of 2018
Date of Decision:18.07.2018

Akhlaque Ahmad

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Mohammad Arshad, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the report of the Sub Divisional Officer (N.), Ferozepur Jhirka (Annexure P-10), order dated 6.3.2018 passed by the District Food Civil Supplies and Consumer Affairs Controller, Nuh and order dated 17.4.2018 passed by the Deputy Commissioner, Nuh.

Briefly stated, as per the averments made in the petition, two villages, namely, Jatka and Shiswana come under the jurisdiction of Gram Panchayat, Jatka Shiswana. One ration depot was allotted to Illahi Majur, resident of Village Jatka Shiswana by respondent No.4 which was cancelled on 18.12.2017. It is alleged that the Panchayat had decided to handover the distribution work of ration to the petitioner and passed a resolution. Respondent No.4 asked the petitioner to deposit a sum of ₹5000/- for the new PDS license and was issued a license on 29.12.2017. However, there was a complaint against the appointment of the petitioner in which an enquiry was held and the Sub Divisional Officer (N.), Ferozepur Jhirka reported and recommended to cancel the license issued to the petitioner. On

the basis of the recommendation made by the enquiry officer and his report dated 9.2.2018, respondent No.4, while exercising his powers under the Haryana Public Distribution System (Licensing and Control) Order, 2009, cancelled the license of the petitioner vide his order dated 6.3.2018. The petitioner challenged the said order by way of an appeal which was also dismissed by the appellate authority on 17.4.2018. The operative part of the order passed in appeal, as translated by the petitioner, is reproduced as under: -

“I have heard both the parties and the main case filed of the subordinate office has also carefully been perused. After hearing both the parties and careful perusal of case file, I reached on the conclusion that the order dated 6.3.2018 passed by respondent-District Food and supply Controller, Nuh is well reasoned order and there is no any illegality in this order. In the enquiry report bearing No.5241/Steno dated 9.2.2018 of Sub Divisional Officer, Ferozepur Jhirka available on the file of Subordinate Office, wherein it has been written that Sarpanch and Panches, Gram Panchayat Jatka Siswana in connivance with Sh. Akhlaque Ahmed, Deport holder have passed a resolution in his

favour and they committed irregularities in engaging him depot holder, from which it proved that neither the formalities has been complied with in allotting the depot to the appellant nor any proclamation (Munadi) was being done in the village. In this circumstance, the respondent District Food and supply Controller, Nuh has rightly cancelled the depot of the appellant. Thus, it is not justifiable to handover the possession of depot to the appellant. Therefore, on the basis of aforesaid facts the order dated 6.3.2018 passed by District Food and Supply Controller, Nuh is upheld.”

I have heard learned counsel for the petitioner at length and after taking into consideration the facts and circumstances, I do not find any reason to interfere in this petition because the petitioner was not appointed as a ration depot holder in accordance with law which has been noticed by the appellate Court in detail.

Dismissed.

18.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No