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

**CWP No.19801 of 2016
Date of decision:08.05.2018**

Sushila Kumari

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Arjun Atri, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Shiv Narain Sharma, Advocate,
for respondent no.7.

Ms. Minakshi Poswal, Advocate,
for respondent no.8.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 26.07.2016 passed by the Deputy Commissioner, Ambala.

In brief, 5 persons, namely, Ashwani Kumar, Puran Chand, Priyanka Devi, Sapna and Manju had applied for FPS License in March, 2015. However, all the 5 applications were rejected on 14.08.2015 due to non-receipt of the recommendations from the Sarpanch. After rejection of all the aforesaid 5 applications, fresh *munadi* was ordered on 05.12.2015, which was effected on 13.12.2015 by the Chowkidar of the village. After the fresh *munadi*, two applications were received, one from the petitioner Sushila Kumari and another from Ashwani Kumar, who had earlier applied and whose application was

rejected on 14.08.2015. Ultimately, the Ration Depot was allotted to Sushila Kumari on 24.12.2015, against which Priyanka Devi and Puran Chand filed their appeal, which has been allowed by the Deputy Commissioner, Ambala, vide his order dated 26.07.2016 observing that the District Food and Supply Controller, Ambala, while passing the order dated 24.02.2016, have not complied with the allocation proceedings as per the Rules while allotting ration depot to Sushila Kumari. It is further observed that it is not clear from the order dated 24.02.2016 that as on what basis the remaining 5 applicants were ignored while allocating the ration depot and what were the reasons for conducting proclamation in the village. It is, thus, observed that the order dated 24.02.2016 and 25.02.2016 passed by the District Food & Supply Controller, Ambala were not speaking orders, therefore, the said orders were set aside and direction was issued to him to conduct fresh proceedings as per the Rules.

Counsel for the petitioner has submitted that there were 5 persons in the fray seeking allotment of the ration depot, namely, Ashwani Kumar, Puran Chand, Priyanka Devi, Sapna and Manju but their applications were rejected on 14.08.2015, therefore, fresh *munadi* was carried out, in pursuance of which only two applications were received, one by Sushila Kumari and another by Ashwani Kumar and there is no application filed by Puran Chand, Priyanka Devi and Sapna. The Food and Supply Controller, Ambala, vide his order dated 24.02.2016, allotted the ration depot to the petitioner as she was recommended by the Sarpanch of village Bihta and also recommended by the Inspector, Food and Supplies, Kesri. The said order was followed by another order dated 25.02.2016 as per which Sushila Kumari had deposited ₹5,000/- as

security and ₹2,000/- towards license fee. These two orders have been set aside by the Deputy Commissioner in the appeal filed by Priyanka Devi and Puran Chand who could not have any grievance against the appointment of Sushila Kumari for the reason that they had not applied for the ration depot after their names were rejected on 14.08.2015 and only one out of 5 persons, namely Ashwani Kumar had applied and was not found suitable.

In view of the aforesaid discussion, the present writ petition is hereby allowed and the impugned order dated 26.07.2016 passed by the Deputy Commissioner, Ambala is set aside being patently erroneous.

May 08, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No