

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.194 of 2018
Date of Decision: 16.01.2018

Sat Narain

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Shilak Ram Hooda, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is aggrieved against the order dated 19.6.2015 by which licence No.409 issued to him for running the ration depot has been revoked by the District Food and Supplies Controller, Sonapat and also the order dated 16.6.2016 passed by the Deputy Commissioner-cum-Collector, Sonapat by which the appeal filed by him was dismissed.

The District Food and Supplies Controller, Sonapat, while revoking the licence of the petitioner, has made the following observations on 19.6.2015: -

“Regarding anomalies found in the statements pertaining to the distribution of ration by depot holder vide this office letter S.No. ID-2014/5598 dated 7.7.2014 the depot holder was called for filing reply, producing record and putting forth his stand by coming in person on 14.7.2014 and the

reply of which had been filed by the depot holder on 28.07.2014 and he came present for personal hearing on 14.7.2014. In regard to the aforesaid matters and sanguine examination of the record presented by depot holder had been assigned to Shri Naveen Paliwal, Inspector and Shri Narinder Ahlawat, Inspector, Ganaur. The Enquiry Inspector's report revealed that in the month of November, 2014 the depot holder has distributed the wheat @ 4 kgs. per member and in the month of December, 2013 three quintal wheat has been shown to be distributed in excess. The depot holder has shown 30 kgs. of wheat distributed to each card holder to 20 AAY card holder on 17.11.2013 whereas he was to distribute 30 Kgs on each card. Depot holder has given only stock register of the pulse but he did not produce sale register and for this reason the distribution of pulse could not be made. As per the statements given by 16 BPL/AAY card holders the depot holders did not distribute the ration with effect from November, 2013 to March, 2014 but depot

holder did not produce the sale register from January, 2014 to March, 2014 therefore, the distribution of ration from January, 2014 to March, 2014 could not be tallied with the statements. Therefore, the serious irregularities have been committed by the depot holder in ration distribution and in this way he has violated the guidelines of the department.

The depot holder is guilty of not being present at the time of inspection of his depot, not having electronic weighing machine in the depot of not displaying sign board of depot on the premises of ration depot of not having the list of distribution committee members, of not keeping complete record of sale/stock register, finding of difference in the wheats stock according to sale register. In this way action is required to be taken against him. The depot holder had been heard by the undersigned in person on 08.05.2015 but he could not produce any solid proof in his defence hence he is not entitled to lenient view, therefore,, I Manish Mehra, District Food and Supplies

Controller, Sonapat in this case of Haryana Public Distribution System (Regulation and Control) by exercising powers under order of 2009 revoke/rescind the public distribution licence of depot holder Shri Satyanarayan, Village Dhurana, Tehsil Gohana and pass order to forfeited the deposited security of depot in favour of Haryana Government.”

The Deputy Commissioner-cum-Collector, Sonapat, while dismissing the appeal filed by the petitioner, has made the following observations on 16.6.2016: -

“After hearing both the parties and evaluating the file it is revealed that many irregularities have been committed by the depot holder and he did not produce the record when he was asked to do so. He produced the record later on after considerable time and he did not produce the complete record. The appellant has been afforded opportunity of hearing before passing the impugned award but he did not produce any document during the course of hearing which shows that depot holder was not performing his duties properly. Many card holders have made their statements

against the depot holder during inquiry that depot holder is not giving them full ration. The impugned order dated 19.6.2015 passed by District Food and supplies Controller, Sonapat is meritorious wherein no interference is warranted hence the appeal of the appellant is hereby dismissed. The mesal after compliance be consigned in the record room.”

The only argument raised by the counsel for the petitioner is that the ration card holders have given affidavits that they have no grievance against the petitioner and the ration depot was properly run by him.

I am afraid that this kind of evidence cannot be looked into at this stage especially when the evidence has been recorded against the petitioner about various irregularities committed by him in the discharge of his duties as ration depot holder. Hence, I do not find any merit in this petition and the same is hereby dismissed.

16.01.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No