

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20703 of 2018
Date of Decision:20.08.2018

Rajender Singh

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Pradeep Chhoker, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the order passed by the District Food and Supplies Controller, Panipat [for short 'the DFSC'] dated 02.05.2017 and of the Deputy Commissioner, Panipat dated 18.5.2018 by which order of the DFSC has been upheld in appeal.

In brief, the petitioner was allotted PDS License No.43 dated 5.11.2009 under the Haryana Public Distribution System (Licensing and Control) Order, 2009 [for short 'the Order'] for running a depot/fair price shop at Village Bhadar, Tehsil Madlaud District Panipat. A complaint was made against the petitioner which was enquired into through the Assistant Food & Supplies Officer, Matlauda, who vide his letter bearing Sr. No.1270 dated 25.3.2016 submitted the enquiry report. The petitioner was served with a *show cause notice* and after filing his reply, the DFSC, Panipat, vide his order dated 23.5.2017, passed the order of cancellation of ration depot. The said order of cancellation was set aside in appeal by the Deputy Commissioner, Panipat, vide his order dated 08.03.2017, and the matter was

card-holders be checked who are registered at depot and to pass a speaking order. Thereafter, the DFSC passed the order again on 01.05.2017 of the cancellation of ration depot in which he had observed that the petitioner did not submit the record from December 2015 to February 2017. The order of the DFSC was again challenged before the Deputy Commissioner, Panipat but this time the appeal was dismissed observing that though the earlier appeal of the petitioner was allowed and the DFSC was directed to pass a speaking order again after considering the record but the petitioner did not produce the record as directed. Inference was thus drawn that the record has been withheld by the petitioner as he might have committed irregularities in distribution of ration.

Aggrieved against the order of the DFSC and Deputy Commissioner, Panipat respectively, the present petition has been filed.

Learned counsel for the petitioner has though vehemently argued that the impugned orders are patently illegal but he could not give any cogent reason for not producing the record for the perusal of the DFSC though there was a specific direction by the Deputy Commissioner, Panipat at the time of allowing his appeal that the DFSC would pass the speaking order after considering the record which was in possession of the petitioner and was to be produced by him.

Thus in view of the aforesaid facts and circumstances, there is hardly any reason for this Court to interfere in this petition and hence the same is hereby dismissed though without any order as to costs.

20.08.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No