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

**CWP No.22758 of 2018
Date of decision:18.09.2018**

Harbans Lal and another ...Petitioners

Versus

The State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. D.K.Agarwal, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioners were granted license for operating the Fair Price Shop (FPS)/Ration Depots in terms of the provisions of the Haryana Public Distribution System (Licensing & Control) Order, 2009 (hereinafter referred to as the "Order"). They contested the elections for the post of Panch and were duly elected as such. However, license(s) of the petitioners were cancelled in terms of the guidelines issued by the Government of Haryana regarding Sarpanch/Panches/MC holding Fair Price Shop Licenses on the ground that a person, who has been elected as a Sarpanch/Panch, cannot be allowed to run a Fair Price Shop. Thereafter, the Government has passed the impugned orders in terms of the National Food Security Act, 2013 on the pretext that the petitioners, being Panches of their respective villages, cannot be allowed to run the Fair Price Shop(s).

At the time of preliminary hearing, counsel for the petitioners had argued that the petitioners are ready and willing to give up their post of Panch

as they have no other source of livelihood except the Fair Price Shop(s).

On the other hand, learned State counsel, on instructions from Mr. Ashwani Kumar, Superintendent, Food and Supplies Department, Haryana, has submitted that against the impugned order(s), the petitioners would have the remedy of appeal in terms of Clause 16 of the Order before the Deputy Commissioner. It is further submitted by him that in case the appeal is filed with this plea that the petitioners are ready and willing to resign from the post of Panch in order to save their license(s) to run the Fair Price Shop, the same shall be considered by the Deputy Commissioner in appeal.

Counsel for the petitioners, however, has submitted that relegating the petitioners to the remedy of appeal before the Deputy Commissioner would be a futile exercise because the same prayer has been made by the petitioners before this Court which has to be made by him before the Deputy Commissioner.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The only allegation against the petitioners, on the basis of which their Fair Price Shop license has been cancelled, is that they cannot hold two offices of profit like the license for running the Fair Price Shop and the post of Panch at the same time. Counsel for the petitioners has submitted that the petitioners are the poor people and since they have no other source of their livelihood except for running the Fair Price Shop, therefore, they are ready and willing to resign from the post of Panch so that the objection of the respondents that they are holding the post of Panch as well, shall be removed.

I do not find any ambiguity or illegality in the offer made by the

petitioners in order to save their source of income and, therefore, it is directed that in case the petitioners resign from the post of Panch within a period of 15 days from the date of receipt of certified copy of this order, the Competent Authority, who has cancelled the license(s) of the petitioners to run the Fair Price Shop, shall restore the same within a further period of 15 days.

September 18, 2018
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(Rakesh Kumar Jain)
Judge

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