

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

CWP No.5955 of 2018 (O&M)

Date of Decision:23.05.2018

Arshad Khan

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Abhimanyu Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order of the District Food and supplies Controller, Mewat, District Mewat (Nuh), Haryana dated 16.8.2017 and the order of the Deputy Commissioner, Nuh dated 09.01.2018.

In brief, the petitioner was running a ration depot against whom complaints were made by the residents of the village in which an enquiry was conducted by the Sub Divisional Officer, Ferozepur Jhirka who submitted his report dated 14.7.2017 to the District Food and Supplies Controller, Nuh. After receiving the inquiry report, the District Food and supplies Controller, Nuh issued a *show cause notice* to the petitioner on 8.8.2017 for personal hearing on 16.08.2017. The allegation against the petitioner was that he had failed to produce record at the time of inquiry held by the SDO from which it was found that he had committed irregularities in the distribution of ration. The District Food and Supplies Controller, Nuh found the petitioner remiss in discharge of his functions, thus, cancelled the depot license and forfeited the security.

Aggrieved against the said order, appeal was filed by the petitioner before the Deputy Commissioner, Nuh which was also dismissed on the basis of the inquiry report of the SDO in which it is categorically mentioned that the petitioner did not produce the concerned record which was considered to be a serious lapse on his part. Initially, the petitioner did not append the enquiry report of the SDO dated 14.7.2017 with the writ petition but on the asking of the Court vide order dated 12.3.2018, the said report has been filed by way of CM No.6238 of 2018, which is hereby allowed and the Inquiry report is taken on record.

Although, learned counsel for the petitioner has vehemently argued that the impugned orders have been passed without looking into the fact that the petitioner has not committed any violation of the Haryana Public Distribution System (Licensing & Control) Order, 2009 but the report dated 14.7.2017 of the SDO, Ferozepur Jhirka clearly shows that the petitioner has failed to produce the relevant record at the time of inquiry on the basis of which presumption was drawn that he has committed illegality and irregularity in the matter of supply of ration.

In view of the finding of fact recorded on the basis of the inquiry report to which there is no answer with the petitioner, I do not find any reason to interfere in this petition and the same is hereby dismissed.

23.05.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No