

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

CWP No.8662 of 2019
Date of decision:-08.05.2019

Yunus

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who was a ration depot holder has filed the instant petition assailing the order dated 13.06.2018 (Annexure P-3) passed by the District Food Civil Supplies and Consumer Affairs Controller, Nuh and in terms of which his licence pertaining to the Ration Depot has been cancelled. Further challenge is to the order dated 11.12.2018 (Annexure P-6) passed by the Deputy Commissioner Nuh, dismissing the appeal preferred by the petitioner against the cancellation of his licence.

Counsel would submit that the impugned orders have been passed only on the basis that pursuant to a spot checking that took place on 01.05.2018, the depot had been found to be closed. It is contended that on such date, the petitioner was not feeling well and suffering from vomiting/diarrhoea and which would be clear even from a certificate dated 02.05.2018 issued by doctor concerned at Annexure P-1. It is urged that such aspect has been completely overlooked by the respondent authorities while cancelling the licence of the Ration Depot and as such action is arbitrary and unjust.

No other point has been urged.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter is warranted.

Pleadings on record would reveal that on 28.05.2018 petitioner was served with a show cause notice (Annexure P-2) and primarily called upon to explain as regards two aspects;(i) the Ration Depot had been found to be locked and the depot holder when contacted declined to reach the depot premises;(ii) there were no **“fixed boards” and stock boards**” on the depot site. Even though the case projected on behalf of the petitioner is that a reply had been submitted to the show cause notice but the same has not been placed on record for reasons best known to the petitioner.

The impugned order dated 13.06.2018, cancelling the licence/Ration Depot by the District Food Civil Supplies and Consumer Affairs Controller, Nuh, would reveal that it has weighed with the competent authority that the petitioner had admitted that he had not opened the Ration Depot on the date in question and even though a stand was taken that he was ill but no certificate in support of such stand had been filed. There was no rebuttal at the hands of the depot holder/petitioner as regards **“fixed boards/stock boards”** having not being displayed on the Ration Depot site.

This Court has even perused the appeal preferred by the petitioner against the cancellation of his licence and filed before the Deputy Commissioner, Nuh. The same has been appended as Annexure P-4 alongwith the writ petition.

In the appeal there is not even a whisper with regard to the

petitioner having not opened the depot on account of illness. Rather in the appeal it was sought to be agitated that the cancellation of the licence/Ration Depot was on account of party faction in the village.

Even the medical certificate placed on record at Annexure P-1 does not inspire confidence. Such certificate dated 02.05.2018 is stated to have been issued by a private doctor namely Dr. Patwari Khan and that too on a printed format and issued in favour of Unnas. Name of the petitioner herein is Yunus. Furthermore the certificate recites and justifies a period of “**absence from duty**” for a period of two days.

This Court is of the view that the medical certificate at Annexure P-1 has merely been procured and in any case was not placed by the petitioner before the respondent authorities in support of his contention that the Ration Depot had been closed on the date in question.

It is not the case made out on behalf of the petitioner that the impugned orders are in violation of the terms and conditions contained in the Haryana Public Distribution System Licence and Control Order 2009. Rules of Natural Justice were duly adhered to prior to the passing of the impugned orders.

The impugned orders as such do not suffer from any patent infirmity.

No merit.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.05.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No