

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

CRM-M-47849 of 2017
Date of Decision:16.01.2019

Parveen Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. I.S. Chawla, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for issuance of directions to respondents No. 1 to 3 to conduct a fair and impartial enquiry on the complaints made by the petitioner and to restore his license for running the Fair Price Shop issued by Department of Food, Civil Supplies and Consumer Affairs, Punjab.

It is contended by learned counsel for the petitioner that there is an embezzlement of huge amount by respondents No. 3 to 6 and he has made various representations in that regard, but no action has been taken so

far.

Learned State counsel has opposed the above contentions and submitted that complaints have been thoroughly examined, but no substance was found and prayed for dismissal of the petition.

Heard learned counsel for the parties and perused the case file.

Paper book reveals that petitioner was allotted a Fair Price Shop for supply of essential commodities (Ration) to the eligible beneficiaries of Village Ashaur, Tehsil Phillaur, District Jalandhar under the Public Distribution System. The license was valid upto 31.03.2009 and thereafter, renewed up to 31.03.2018 (R-1). Petitioner submitted various complaints to the authorities including one dated 23.10.2017 to the Deputy Commissioner, Jalandhar-respondent No.2 which was forwarded to the District Controller, Food Supplies and Consumer Affairs, Jalandhar-respondent No.4 and on the basis thereof, directions were issued for conducting inquiries by all the Assistant Food and Civil Supply Officers in District Jalandhar. As a result thereof different inquiries were conducted in the matter on the basis of the complaint of the petitioner and details of which are as under:

- 1) Report of FSO Nakodar vide letter AFSO Nakodar-2017/258 dated 16.12.2017.
- 2) Report of FSO Jalandhar City vide letter AFSO-2018/19 dated 17.01.2018.
- 3) Report of FSO Shahkot vide letter FSO-2017/151 dated 26.12.2017.
- 4) Report of AFSO Phillaur vide letter FSO/2017/128 dated 26.05.2017.
- 5) Report of AFSO Goraya vide letter AFSO-17/171 dated 19.01.2018.
- 6) Report of AFSO Jalandhar Rural vide letter No. 289 dated 17.01.2018.

- 7) Report of AFSO Bhogpur vide letter No. 158 dated 08.01.2018.
- 8) Report of AFSO Adampur vide letter AFSO-2018/2 DATED 08.01.2018.
- 9) Report of AFSO Kartarpur vide letter spl-1 dated 23.01.2018.
- 10) Report of AFSO Jalandhar Cantt vide letter-19 dated 22.01.2018.
- 11) Report of AFSO Nurmehal vide letter AFSO Nuremahal-228 dated 19.01.2018.

Thereafter, on the basis of the above reports a consolidated inquiry report was prepared by respondent No.4 and he submitted the same to respondent No. 2 on 27.02.2018, but no substance was found to establish the allegations levelled against the official-respondents by the petitioner. Even the inquiry was conducted by Sub Divisional Magistrate, Phillaur and again the allegations made by the petitioner were found to be baseless. Record of the case reveals that an adverse report was received from the Assistant Food and Civil Supplies Officer against the petitioner for non-submission of collected amount of distributed stock of wheat as per the Government rates and on the basis of which his license was suspended (P-7). Still further respondents have taken a valid stand in their reply as well as arguments that against the suspension of the license remedy of appeal was available to the petitioner under Clause 17 of the Punjab Public Distribution System (Licensing and Control) Order 2016 (R-2) but he never resorted to that course.

In view of the above, it is apparently clear that the petitioner has levelled the allegations without any basis against the respondents No. 3 to 6 as a *persona non grata* and thus no case is made out for issuance of any

direction in the matter; rather the same is misuse of process of the Court. Consequently, petition is hereby dismissed with costs of Rs. 5,000/- to be paid to the High Court Legal Services Committee, Chandigarh.

However, it is made clear that dismissal of this petition may not be construed as a bar for assailing the suspension of license (P-8) by the petitioner in accordance with provisions of the Punjab Public Distribution System (Licensing and Control) Order 2016.

[MAHABIR SINGH SINDHU]
JUDGE

January 16, 2019
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no