

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

CWP No. 23969 of 2016 (O&M)

Date of Decision: 26.03.2019.

Manju Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Parveen K. Gaur, Advocate,
for the petitioner.

Mr. Sanjay Kumar Saini, AAG Haryana.

JITENDRA CHAUHAN.J.
CM-1091-CWP-2017

The application is allowed as prayed for. Annexure P-7 is taken on record subject to all just exceptions.

Main case

By way of present civil writ petition, the petitioner has challenged the order dated 16.08.2016 (Annexure P-6) passed by respondent No.2 and order dated 16.02.2015 (Annexure P-2) passed by respondent No.3 vide which the ration depot of the petitioner was cancelled and the security was forfeited.

The petitioner was allotted Fair Price Shop (Depot Holder) Licence No. FBD-777 dated 05.08.2013 for distribution of food articles and kerosene oil for village Mawai, Tehsil and District Faridabad. However, vide order dated 16.02.2015 (Annexure P-2) her

licence was cancelled.

It is contended that the licence has been cancelled on the alleged irregularities that during inspection, 49 card holders had made statements that they were not receiving wheat in the month of October and November, 2014. It is asserted that as a matter of fact, no such inspection was ever conducted nor any statements of alleged 49 card holders were recorded.

On the other hand, on behalf of the respondents, it is contended that a raid was conducted by Mrs. Seema Sharma, the then District Food Civil Supplies and Consumer Affairs Officer, Faridabad along with Smt. Anju Bala, Assistant Food and Supplies Officer, Faridabad along with other staff. During inspection, statements of 49 card holders were recorded who deposed that they did not receive wheat for the month of October and November, 2014 and no entries in their ration cards had been carried out by the petitioner whereas, as per record, the wheat had been allocated to the petitioner for the month of October and November, 2014. It was further found that the petitioner had not made any entry in the sale registers and there was no mentioning of date or month thereon. A show cause notice was issued to the petitioner on 21.11.2014 which was not replied to by the petitioner. Vide letter dated 03.12.2014 (Annexure R-1), a reminder was also served upon her. The petitioner submitted her reply on 22.12.2014 (Annexure R-2) before District Food Civil Supplies and Consumer Affairs, Controller, Faridabad. After considering her reply

and affording her a proper opportunity of hearing, her licence was rightly cancelled. Moreover, the depot licence has now been allotted to another person named Bala Devi on 01.05.2017.

Heard.

The Haryana Government Food and Supplies Department Order dated 13th July, 2009 prescribes responsibilities and duties of Fair Price Shop Licensees which are reproduced as under:-

“9. the responsibilities and duties of the Fair Price Shop Licensees shall include inter alia ---

(i) sale of essential commodities as per the entitlement of ration card holders at the retail issue price fixed by the State Government under the Public Distribution System

(ii) display of upto date information on a notice board at a prominent place in the shop on a daily basis regarding—

a. list of Below Poverty Line and Antyodaya beneficiaries;

b. entitlement of essential commodities;

c. scale of issue;

d. retail issue price;

e. timings of opening and closing of the Fair Price Shop;

f. stocks of essential commodities received during the month;

g. opening and closing stock of essential commodities; and

h. authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution system.

(iii) maintenance of record of ration card holders (Above Poverty Line, Below Poverty Line and Antyodaya) stock register, issue or sale register;

(iv) furnishing of copies of specified documents namely, ration card register, stock register, sale register to the office of the Gram Panchayat or Nagar Palikas or Vigilance Committee or any other body authorized for this purpose;

(v) display of samples of foodgrains being supplied through the Fair Price Shop;

(vi) production of books and records relating to the allotment and distribution of essential commodities to the inspecting agency and

furnishing of such information as may be called for by the authority;

(vii) account of the actual distribution of essential commodities and the balance stock at the end of the month to the concerned Sub Inspector Food and Supplies/ Inspector Food and Supplies/ Assistant Food and Supplies Officer and District Food and Supplies Controller with a copy to the Gram Panchayat/ local municipal body;

(viii) opening and closing of the Fair Price Shop as per the prescribed timings displayed on the notice board;

(ix) the ration card holder shall not be denied the supply as per entitlement of essential commodities lying in stock with Fair Price Shop owner under the Public Distribution System;

(x) the Fair Price Shop owner shall provide the relevant extract of the record maintained by him to the beneficiary on payment of Rs. 10/- only;

(xi) the Fair Price Shop Owner shall not retain ration card after the supply of essential commodities;

(xii) the Fair Price Shop Owner shall use only such weights and measures which are duly verified by the Legal Metrology Department, Haryana;

(xiii) the Fair Price Shop Owner shall keep the complete records of the PDS items for at least two years in his/her safe custody;

(xiv) the Fair Price Shop Owner shall give information every month about the allocated PDS item, the quantity distributed by him to the eligible consumers and the balance stock etc. to any two members of the Vigilance Committee otherwise no supply of PDS item shall be given to the Fair Price Shop owner for the next month. He shall also obtain "satisfaction certificate" from the Vigilance Committee regarding satisfactory distribution of all allotted items in the previous month;

(xv) the Fair Price Shop Owner shall be responsible for making all essential entries in the ration cards;

(xvi) the Fair Price Shop Owner shall store and sell essential commodities only at the place specified in the license;

(xvii) behave with the consumers cordially and with due courtesy."

A perusal of the checking report prepared by District

Food and Supplies Officer, Faridabad along with the statements of the

card holders, show that the wheat for the month of October, 2014 and November, 2014 allotted to the petitioner for distribution was not distributed to the beneficiaries nor any entry in the sale register was carried out. The non-mentioning of the date and month in the sale register also shows irregularities by the petitioner as it does not reveal that the register pertains to which month. It seems bogus as the same does not bear any signature of Inspector or Sub Inspector of the department. Thus, the petitioner has violated the conditions enumerated in the department order dated 13.07.2009.

No ground for interference is made out.

Dismissed.

26.03.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No