

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3334 of 2020

Jai Maa Durga Swa Sahayata Samooh Village Mehatrakurmi, ID No. 402007118, Tahsil Lormi, District Mungeli (CG) through its Director Smt. Sunita Kulmitra, W/o Mantu Kulmitra Aged About 35 Years R/o Village Mehatrakurmi, Tahsil Lormi, District Mungeli Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Food And Civil Supplies, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Director, Directorate Of Food And Civil Supplies, Indrawati Bhawan, Naya Raipur Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Collector (Food Branch), Mungeli, District Mungeli Chhattisgarh
4. Sub Divisional Officer (Revenue) Lormi, District Mungeli Chhattisgarh
5. Food Inspector, Lormi, District Mungeli Chhattisgarh
6. Lakshmi Mahila Swa Sahayata Samooh, Rabeli, ID No. 402007105, Tahsil Lormi, District Mungeli Chhattisgarh

---- Respondents

For petitioner – Shri A.N. Pandey, Advocate.

For State – Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/03/2021

Heard.

1. Despite the service to the respondent No.6, no representation is made on her behalf.
2. Only the short question involved in this petition is that the petitioner who is running a fair price shop was suspended by order dated 31/08/2020 which finds a reference in the revocation of suspension order. Thereafter, on 15/10/2020 by Annexure P-2 the SDO, Lormi in exercise of power under the Chhattisgarh Public Distribution System (Control) Order, 2016, under Order 16 redressed the issue and imposed a fine of Rs.5000/- and imposed a warning and suspension was revoked. Subsequently, again by the impugned order dated 31/10/2020 the order of

revocation of the suspension dated 15/10/2020 was cancelled.

3. Learned counsel for the petitioner would submit that the order of revocation was passed without any hearing and once the order of revocation was passed, it could not have been reviewed in the like manner, therefore order dated 31/10/2020 (Annexure P-1) requires to be set aside.

4. Learned State counsel opposes the argument.

5. No representation is made on behalf of respondent No.6 despite service is effected.

6. The perusal of the order revocation of the suspension Annexure P-2 passed on 15/10/2020 would show that after the suspension was made the petitioner filed their reply and after consideration of the reply, Rs.5000/- was forfeited and punishment of warning was imposed and the suspension was revoked. Subsequently, by the impugned order Annexure P-1 dated 31/10/2020 the suspension order have been implemented again and revocation was taken back. When the revocation of the suspension order dated 31/10/2020 is passed by taking back revocation it would amount to review of the earlier order dated 15/10/2020. Chhattisgarh Public Distribution System (Control) Order, 2016 do not contemplate that the SDO is conferred with such power of review. Further more according to Order 16 when the redressal of the case has been made after the suspension of the petitioner was effected, then in such case the order of review dated 31/10/2020 cannot be passed behind the back of the petitioner without giving any opportunity of hearing. Apart from the fact as has been observed since the SDO is not been vested with any power of review, order dated 31/10/2020 (Annexure P-1) cannot be allowed to sustain. Accordingly, order dated 31/10/2020 (Annexure P-1) is set aside. The consequence of this order would follow.

7. Accordingly, the petition stands allowed.

Sd/-

(Goutam Bhaduri)

JUDGE

