

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

238

CWP-2271-2021

Date of decision: 08.09.2022

RAVINDER KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 4.

Mr. Vijay Pratap Singh, Advocate and
Mr. Arun Kumar, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for seeking issuance of writ in the nature of Mandamus with a prayer to direct respondents No.2 & 3 to take necessary action as per law against respondent No.5 for misappropriation of ration in the name of dead persons.

Written statement of Kushal Pal Bura, District Food Civil Supplies & Consumer Affair Controller, Yamuna Nagar has been filed on behalf of respondents No.1 to 4. The relevant extract of the same reads thus:

“8. That after providing hearing to the respondent no.5, it was found that the respondent No.5 was unable to satisfy the department on the point specifically mentioned in the order datd 10.03.2021 and being not able to satisfy on the same, this department had issued a well reasoned order on 10.03.2021 by keeping in view the inquiry report, statements of card holders, complaint of the petitioner and all other facts and circumstances of the present case and it was also ordered to forfeit the security amount of the depot holder i.e. Respondent No.5 by way of punishment and also ordered him to be careful in future. True translated copy of the order dated 10.03.2021 is annexed here with Annexure R/4-1.

9. That not only this, the other person who had been taking ration of others share being not eligible for the same, had also been send the recovery notice and same had been duly recovered by them.”

Learned counsel appearing on behalf of the petitioner contends that as per the inquiry conducted by the Department, the respondent No.5 had himself affixed his thumb impression against the names of the dead persons and had withdrawn the ration. He makes a reference to the extract of the inquiry report in this regard. The petitioner shall be at liberty to take recourse to the institution of criminal proceedings, if so advised, against the respondent No.5 on the strength of allegations subject to his establishing the commission of the said offence. Since the recovery has already been effected and loss to the Public Exchequer stands averted, no further directions are required to be issued under the writ jurisdiction as alternative efficacious remedy for rederressal of other grievances is available to the petitioner.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 08, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No