

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

Sr. No.106

**CWP-15306-2022 (O&M)
Date of decision : 18.07.2022**

..... Petitioner

Ishwar Dass

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Bansal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

A complaint dated 19.09.2019 was made against the petitioner that he is mis-appropriating ration meant for the public distribution system on the basis of fake ration card. The same was enquired into and enquiry report dated 18.05.2020 was prepared, wherein, the petitioner was indicted. Show cause notice dated 02.06.2020 was issued thereafter to which reply dated 23.06.2020 was filed. Yet, the license of the petitioner was cancelled vide order dated 20.04.2021. Appeal against the said order has been rejected vide order dated 22.03.2022.

Learned counsel for the petitioner has submitted that the record pertaining to the period for which the complaint was made could not be produced as the same had been stolen. Proof thereof is registration of FIR dated 20.03.2017 and the department was also informed about the same. This fact has not been taken into consideration. An adverse finding has been returned against the petitioner only on the ground that he could not produce the record. In this view of the matter, the impugned orders are perverse and deserve to be quashed.

The argument is mis-conceived. No such ground was ever raised before any of the authorities below and it cannot be raised for the first time in the writ petition.

It is next submitted that as per the reply filed by the department to the appeal filed by the petitioner, the online system was introduced prior to May, 2017 and thus, the record was available online. Adverse finding in the enquiry based on non-production of record is consequently perverse.

A perusal of the record shows that online system was introduced after April, 2017. The reply filed by the department is being mis-read by the petitioner and thus, the argument based thereupon cannot be accepted. Even otherwise, the argument is factually incorrect. It is also destructive of the earlier argument that the record had been stolen.

In view of above, the writ petition deserves to be dismissed.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

18.07.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No