

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

CWP-9268-2021

Date of Decision: 1st March, 2023

Ramdhari

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sonia G. Singh Samber, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J.(Oral)

1. This is a petition seeking quashing of orders dated 9.6.2020 and 21.9.2020 cancelling the licence of the Fair Price Shop of the petitioner and dismissing the appeal respectively.

2. Brief facts are that the petitioner was granted licence for running Fair Price Shop in village Assandh, District Karnal. During physical verification, there was shortage of stock. The supply of ration was suspended and a show cause notice dated 29.4.2020 was issued. Reply to the show cause notice was filed. After giving an opportunity of personal hearing, order dated 9.6.2020 was passed cancelling the licence. The appeal filed was dismissed on 21.9.2020.

3. Learned counsel for the petitioner submits that the petitioner had distributed the ration manually and hence, there was shortage of stock.

4. Learned State Counsel defends the impugned order and submits that in spite of repeated opportunities, no proof was furnished with regard to the manual distribution of the ration.

5. Heard learned counsel for the parties at length and perused the pleadings.

6. On physical verification, shortage of 11.14 quintals flour, 39 liter mustard oil, 72 kgs sugar and 28 kgs Millet was found. The stand taken by learned counsel for the petitioner was that due to COVID-19 situation, instead of operating POS Machine, the ration was distributed manually. It was further stated that 22 kgs Millets were consumed by rats and 6 kgs difference was due to moisture content. There is no pleading or contention raised even before this Court that the petitioner had maintained a manual record for distributing ration during the COVID-19 period.

7. The allegations against the petitioner are serious. The country was facing unprecedented COVID-19 situation, the ration meant for distributing to the weaker sections of the society through PDS (Public Distribution System) was embezzled. The stand taken itself falls on face of it when it was stated that out of 28 kg Millets, 22 kgs were consumed by rats and 6 kgs difference was due to moisture content. It would not be out of place to mention that 6 kgs variation of moisture content is being claimed on stock of 28 kgs. The defence that ration items were distributed manually was not substantiated by producing evidence. The impugned orders suffer from no factual or legal infirmity calling for interference in the writ jurisdiction.

8. The petition is dismissed.

9. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

1st March, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No