

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32459-2019 (O&M)
Date of Decision:- 11.9.2023

Mala Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Mehta, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG Haryana.

Mr. Kushal Pal Bura, Advocate
for respondents No. 1 to 3/applicant.

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 21.9.2018 (Annexure P-3) vide which a license issued to the petitioner pertaining to distribution of ration (PDS License) has been cancelled by the District Food, Civil Supplies and Consumer Affairs, Controller, Narnaul. The petitioner also assails order dated 24.1.2019 (Annexure P-5) vide which an appeal filed by the petitioner against order dated 21.9.2018 (Annexure P-3) has also been dismissed by the Deputy Commissioner, Mahendergarh.
2. As per the case of the petitioner, he had been running a Public Distribution System (PDS) Depot at Village Nangal Dargu, District Mahendergarh and that respondent No. 2 - Deputy Commissioner, Mahendergarh without conducting any inquiry and without affording any opportunity of hearing

and without verifying the facts ordered for cancellation of his license only on the basis of report of the Inspector on flimsy grounds.

3. The State filed its reply wherein a specific stand has been taken to the effect that the petitioner had been issued PDS License to run fair price shop at Village Nangal Dargu under Public Distribution System. However, upon a complaint received against the petitioner by the Deputy Commissioner, Mahendergarh, an inquiry was marked to Inspector, who submitted report that the petitioner used to supply lesser PDS items to beneficiaries of the village compared to the actual allocation and also used to misbehave with beneficiaries and upon which a show cause notice had been issued to the petitioner. It is the case of respondents and it was pursuant to repeated reminders that he submitted reply to the show cause notice. The petitioner was also afforded an opportunity to be heard and after hearing him, the license in question was cancelled on 21.9.2018 (Annexure P-1) and so was the appeal filed by the petitioner against the aforesaid order.
4. The State by way of additional affidavit has also placed on record copies of the notices issued to the petitioner and statements of various residents of the village.
5. The learned counsel for the petitioner has vehemently argued that the alleged inquiry is an eye-wash and as a matter of fact several of the persons who are alleged to have made complaint against the petitioner had suffered statements in favour of the petitioner which have been placed on record by the respondents themselves and in these circumstances, it is evident that the entire proceedings are motivated and are a result of political rivalry in the village.

6. On the other hand, the learned State counsel has drawn the attention of this Court to various notices issued by the respondents before passing of the impugned order.
7. A perusal of the documents placed on record alongwith additional affidavit dated 31.8.2023 of respondent No. 3 would show that the same are in the nature of a notice dated 31.8.2017 issued by the District Food, Civil Supplies and Consumer Affairs, Controller, Narnaul to the petitioner Mala Ram asking him to explain about his conduct particularly with respect to the allegations levelled by various residents of the village namely Manoj Kumar, Smt. Santosh, Smt. Lali Devi, Ms. Khamosh who had alleged that the petitioner had been giving them 20/25 kilograms of wheat and had never given them 35 kilograms. The petitioner vide said notice was required to submit his reply within a week but since he did not furnish the reply, another notice dated 3.10.2017 was sent to him. Subsequently, he was issued yet another notice dated 25.10.2017 asking him to furnish his reply and was afforded opportunity of personal hearing. It was, thereafter, that the petitioner submitted his reply denying the allegations levelled against him. He also annexed affidavits of Khamosh, Manohar, Lali Devi, Santosh, Santra, Hansraj, Manoj to the effect that they did not have any complaint against distribution of ration from the Depot of the petitioner and that the Sarpanch had got the same done on account of political rivalry. Apart from copies of the said affidavit, the respondent-State has placed on record statements of as many as 10 residents of the village including that of Sarpanch of the Village, who all deposed against the petitioner. The aforesaid position would indicate that while there are some persons who deposed in favour of the petitioner, there are several others who have

deposed against the petitioner. So much so, even the Sarpanch of the village, whose testimony would stand on a higher pedestal, being representative of the village, has also stated against the petitioner. Still further, the conduct of the petitioner can hardly be appreciated inasmuch as while filing the instant petition he has categorically stated that neither any notice was issued to him nor any inquiry was conducted and nor any verification was conducted in the village, which is found to be absolutely false and the petitioner has tried to mislead the Court.

8. Under these circumstances, this Court does not find any ground to interfere with the impugned orders or to grant any relief to the petitioner.
9. The petition is found to be sans merit and is hereby dismissed.

11.9.2023

kamal

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No