



CWP-18196-2020 (O&M)

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

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CWP-18196-2020 (O&M)
Reserved on :30.09.2024
Date of decision: .04.10.2024

Ashok Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shashikant Gupta, Advocate
for the petitioner.

Mr. Satish Singla, AAG, Haryana.

SUVIR SEHGAL J.

1. This writ petition has been filed under Article 226/227 of the Constitution of India, *inter alia* for issuance of a writ in the nature of certiorari for quashing orders dated 18.03.2020 and 08.09.2020, Annexures P-3 and P-6, passed by the official respondents, whereby licence for running a ration depot issued to the petitioner under the Haryana Public Distribution System (Licencing and Control) Order, 2009 (hereinafter referred to as “the Control Order”) has been cancelled.

2. Facts, in brief, leading to the filing of the petition are that the petitioner was running a ration depot in Village Nimoth for the last 18 years. A complaint was submitted against him by respondent No.6 and on the basis of an inquiry report, a show cause notice dated 20.01.2020,



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Annexure P-1, followed by another show cause notice dated 29.01.2020, Annexure P-2, were served upon him. Petitioner submitted reply explaining the position but by impugned order, Annexure P-3, petitioner's licence was cancelled by respondent No.3 and security was forfeited. Petitioner preferred an appeal against the order, which was rejected by respondent No.2, vide impugned order, Annexure P-6 and the ration depot was allotted to Sh. Sheesh Ram vide order dated 20.05.2020, Annexure P-5.

3. Writ petition has been contested by official respondents No.1 to 4 by filing a reply, wherein it has been submitted that the petitioner had violated the Control Order. After an unbiased inquiry was made into the allegations and providing sufficient opportunity to the petitioner, the impugned orders had been passed.

4. Counsel for the petitioner urges that the authorities had recorded the statements of 17 beneficiary card holders including respondent No. 6 and conducted an inquiry with which the petitioner was never associated. He submits that out of 17 card holders, 12 of them had submitted affidavits, Annexures P-8 to P-19, stating that they do not have any complaint against the petitioner and a false inquiry report has been prepared. By referring to Clauses 8 and 9 of the Control Order, counsel has argued that the petitioner has not violated any of its provisions and that the impugned orders cannot be sustained.

5. On the other hand, State counsel has supported the impugned action and opposed the petition by referring to the material adverse to the petitioner.



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6. I have heard counsel for the parties and considered their respective submissions besides examining the documents placed on the record.

7. Two show cause notices, Annexures P-1 and P-2, were issued to the petitioner on the basis of the statements of 17 card holders, who had stated that the petitioner had not issued them ration as per their entitlement and had been overcharging them. The record maintained by the petitioner was also checked by the inspecting team and it was found that there were irregularities in the actual distribution of the essential commodities. There were also complaints of misbehaviour of the petitioner towards the card holders. The inspecting team found that instead of the petitioner, the depot was being run by one, Anil Kumar, and that the petitioner was never physically available at the depot. It was found that the petitioner had not distributed wheat and millet (bajra) in the village for the last one year. The entire incriminating material collected against the petitioner was mentioned in the two show cause notices issued to him to which he submitted a reply. As the material on the basis of which action has been taken, has been supplied to the petitioner, he cannot contend that he has not been given a due opportunity to explain his version.

8. Although, petitioner has managed to procure affidavits of the 12 card holders in his favour but a perusal of the affidavits show that some of the affidavits are thumb marked. As some of the card holder are illiterate, probability of their being coerced into thumb marking cannot be ruled out. It is evident that the petitioner has not been able to influence



five card holders including respondent No.6 nor he has been able to show any material to controvert the finding recorded during inquiry whereby it has been found that he fleeced the beneficiaries and they were not issued essential commodities as per their entitlement. Furthermore, all the twelve affidavits relied upon by the petitioners are dated 02.11.2020, which shows that they have been obtained after passing of the impugned orders. Their veracity cannot be determined by this Court in writ jurisdiction.

9. During the course of arguments, counsel for the petitioner was confronted with the findings recorded by the respondent authorities regarding non-distribution of wheat and millet in the village, however, counsel could not give any explanation. Furthermore, counsel could not explain as to why petitioner failed to transfer the remaining stock to the new licence holder after the suspension of licence. It stands established that the petitioner has violated Clause 9 of the Control Order and there is no illegality or infirmity in the orders passed by the respondent authorities.

10. There is no merit in the writ petition, which is hereby dismissed with no order as to costs.

11. Pending application, if any, stands disposed of.

04.10.2024

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No