

2024:PHHC:159793



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20819-2021

Date of decision: 28.11.2024

SANDEEP SINGH AND OTHERS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Pardeep Kumar Rapria, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 3.

Ms. Vamika Johar, Advocate for
Mr. Pritam Singh Saini, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for directing the respondents to take action against respondent No.4 for having misappropriated the ration issued to him during the period of COVID-19 pandemic.

2. Learned Counsel appearing on behalf of the petitioner has placed a vehement reliance upon the enquiry report submitted by the department officials as per which there was issuance of ration and an

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embezzlement/misappropriation thereof was reported by the District Food Civil, Supplies & Consumer Affairs Controller.

3. Counsel appearing on behalf of the respondent No.4 makes a reference to the written statement and contends that the matter has already been enquired into by the Department and that the irregularities noticed during the course of enquiry have already been culminated while imposing a penalty of forfeiture of security amount of Rs. 5,000/-. It is contended that as per the Haryana Public Distribution System (Licensing & Control), Order, 2009, the competent authority is empowered to take one or more of the actions against the licensee which includes i) forfeiture of the security deposited; ii) cancellation of the license and forfeiture of the security deposited; iii) registration and criminal case as per provisions of the Act. She contends that once the penalty of forfeiture of the security deposited has already been imposed and the case has been closed, it would not be appropriate for this Court thereafter to substitute its own opinion for that of the licensing authority. Besides, the sufficiency of punishment is not a subject matter of judicial review since the said order imposing the penalty of forfeiture is not a subject matter of challenge before this Court. She also submits that the recovery of the value of the ration misappropriated has also been recovered from the petitioner

4. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents available on record.

5. I find that once the penalty has already been imposed, the satisfaction of the licensing authority would not ordinarily be supplanted by



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this Court. Besides, there is no challenge to the order imposing punishment. In the absence thereof, the wisdom behind the said decision cannot be gone into by this Court and would refrain from passing any other order.

6. The present writ petition is accordingly dismissed at this Stage.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 28, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No