

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Revision No. 40/2018**

**Ganesh Yadav**

**Vrs.**

**The State of Bihar**

**ORDER**

The instant revision petition is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 24/2014-15 on 27.03.2015.

The brief facts of the case are that the petitioner Ganesh Yadav R/o Vill-Mandrauli, Gram Panchayat-Laheri, block-Hasanpura, Dist-Siwan was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 07.06.2014 by BSO, Hasanpura. In the course of inspection some consumers got recorded their statement in writing that the dealer did not distribute the k.oil meant for the month of May-2014. Besides this when the inspecting officer demanded stock and distribution register for verification, only stock register was shown. Several consumers attached with the PDS shop of the petitioner alleged that by taking two months coupons of April and May-2014, only one month's k.oil was distributed. Thereafter, the SDO, Siwan Sadar on getting the said inspection report, asked show cause from the petitioner for the said reported irregularities. The petitioner, in compliance to the said show cause notice submitted his reply. But the licencing authority, the SDO, on finding the same to be unsatisfactory concocted and misleading lacking any solid evidence finally held the petitioner as guilty for committing gross irregularities like black marketing of k.oil and his such action was against the terms and conditions of PDS licence. As such he cancelled the PDS licence of the petitioner vide order contained in memo No. 452/Supply dt. 20.06.2014. Feeling aggrieved by the said order of cancellation the petitioner preferred Supply Appeal case No. 24/2014-15 before D.M. Siwan. The learned D.M. after hearing the said appeal case, finally vide order dt. 27.03.2015 dismissed the same. On being aggrieved by and dissatisfied by the said order passed by D.M. Siwan, the petitioner has preferred the instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner assailed the impugned order by saying that the same is against the factual aspects of the matter and even the said order has been passed without proper appreciation of the facts and circumstances of the case. He also argued that the learned D.M. did not consider the fact that earlier large numbers of cases were remanded back by this Court for the similar allegation reported against the PDS dealer. The learned counsel also questioned the validity of the inquiry report submitted by the inquiry officer on the ground that in reality no inquiry has been done and some vested interested person got false complaint lodged against the petitioner. He also submitted that the learned lower Court ought to have considered the stock and sale register for arriving at the correct findings because same are the positive proof for fair distribution by petitioner. He further strongly submitted that the learned SDO did not appreciate the clarification given by the petitioner through his show cause reply wherein he clearly stated that all the allegations were false. He also argued that several panchayat representative have given certificate with respect to fair distribution by the petitioner but the SDO did not consider the same. He also submitted that on the day of inspection his shop was not closed and even at the time of inspection not a single consumer levelled any charges against him. The learned counsel also submitted that although the facts were raised before the learned D.M. in appeal but he without applying his

judicial mind, heavily relied on the findings of the learned SDO which is legally not a correct findings. He lastly urged that as the impugned order is illegal and hence not sustainable in law, the same is fit to be set aside.

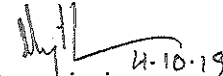
The learned Spl. P.P. on the other hand, supported the impugned order by saying that the same is reasoned, cogent and valid and having no illegality. He further said that the instant revision petition having no merit is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it appears that the petitioner's licence has been cancelled for serious charges like non distribution of k.oil regularly and to the consumers attached with his PDS shop as well as for closure of shop on the day of inspection without any prior notice. Obviously, these are serious irregularities on the part of the petitioner because he deprived the poor people from their right of getting subsidized k.oil through PDS rather black marketing the same. Obviously this is a serious charge and for which petitioner can not escape the action warranted. The contention of the petitioner is that the persons alleged to have stated about the irregularities at the time of inspection is totally a false charge as no consumers stated so. I do not find much substance in the said contention of the petitioner in view of the fact that such pleas are taken as an after thought ploy to defend himself from the alleged charges. It is seen that the learned D.M. in his detailed order has discussed each and every aspects of the case appropriately before arriving at the final findings of fact that the petitioner has violated the terms and conditions of PDS licence. The learned counsel for the petitioner has failed to point out any specific illegality in the said order so as to enable this Court to make any interference in the said order.

For the reasons stated above, the impugned order is upheld and this revision petition being devoid of any merit is dismissed accordingly.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.

  
4-10-19  
Commissioner  
Saran Division, Chapra.

  
2-10-19  
Commissioner  
Saran Division, Chapra.