

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 29/2019

Arun singh

Vrs.

The D.M. Saran & ors.

ORDER

The instant revision petition is directed against the impugned order passed by D.M. Saran in Supply Appeal case No. 80/2017 on 22.10.2018.

The brief facts of the case are that the petitioner Arun Singh S/o Jagdish Prasad Singh R/o Vill-Jitwarpur, P.S.-Derni, Dist-Saran was holding a PDS licence for being PACS Chairman. Further case is that the PDS shop of the petitioner was inspected jointly by Supply Inspector, Dariyapur and Executive officer, Dighwara on 12.10.2017 at 11.35 A.M. In course of inspection following irregularities were found like: List of beneficiaries was not displayed, sample of food grains were not displayed, weights and measurement licence not shown, the k.oil meant for month Sept, 2017 was being distributed with delay and the dealer did not distribute the food grains and k.oil every months. Thereafter, the matter was reported to the licencing authority, the SDO, Sonpur who in turn vide memo No. 1170 dated 15.10.2017 asked show cause for the above reported irregularities from the dealer. In compliance to the said show cause notice, the petitioner filed his show cause reply denying all the alleged charges but the SDO on finding the said show cause reply to be unsatisfactory, he finally vide order contained in memo No. 1220 dt. 30.11.2017 ordered for cancellation of the said PDS licence. Feeling aggrieved by the said order, the present petitioner has preferred the appeal before the learned D.M. Saran vide Supply Appeal No. 30/2017. Meanwhile, during pendency of the said appeal case, the petitioner approached the Hon'ble High Court by way of filing CWJC No. 14303/2018. But the said writ case was disposed of vide order dated 31.08.2018 with a direction to the D.M. Saran to dispose of the same within one month. Then the learned D.M. after hearing the case finally vide order dated 22.10.2018 dismissed the said appeal case.

On being aggrieved by and dissatisfied with the aforesaid order of D.M. Saran, the petitioner has preferred the instant revision case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner, while assailing the impugned cancellation order passed by SDO, Sonpur and the dismissed order passed by D.M. Saran, submitted that both the orders are illegal and bad in law. He further argued that although, the petitioner had furnished a detail show cause reply refuting all the allegations reported found against him during the inspection of his PDS shop but the same was not considered by the learned SDO. He also submitted that the petitioner in his show cause reply stated that he always issued cash memos to the consumers and list of beneficiaries are always displayed, food articles are distributed each month to the consumers as such all the allegations are superficial and for that his show cause reply should have been considered, the learned counsel also stated that stock of food articles are certified by Sonpur and ward members as per existing provision and the same has been verified for the month of September and October but this important point has not been considered by both the authorities and they did not even apply their mind while passing the impugned order. He also drew the attention of the Court towards the fact that even copy of enquiry report has not been given to the petitioner alongwith show

cause notice. The learned counsel lastly said that the learned D.M. also failed to consider the various points raised before him as such the impugned order be set aside and this revision petition be allowed.


The learned Spl. P.P. appearing on behalf of D.M. Saran strongly opposed the arguments forwarded by learned counsel for the petitioner and submitted that the impugned order is cogent, reasoned and speaking having no illegality as such the same is fit to be upheld and this revision petition being devoid of any 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 food grains regularly and in prescribed quantity and rate to the consumers attached with his PDS shop. Obviously, these are serious irregularities on the part of the petitioner because he deprived the poor people from their right of getting subsidized grains through PDS. The contention of the petitioner is that although the petitioner refuted the said allegation through show cause reply but the same was not considered. This contention of the petitioner seems to be untenable in view of the fact that the learned SDO after considering the show cause reply filed by the petitioner finally arrived at the findings that the said show cause reply was unsatisfactory. 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.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.