

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 152/2016
Smt. Seema Devi
Vrs.
The State of Bihar
ORDER

The instant revision petition is directed against the impugned order passed by D.M. Gopalganj in Supply Appeal case No. 09/2016 on 03.06.2016.

The brief facts of the case are that the petitioner Seema Devi W/o Sri Sachidanand Prasad R/o Maksoodpur, Panchayat-Parsauni khas, Block-Uchakagaon, Dist-Gopalganj was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 10.02.2016. In course of inspection following irregularities were found like; shop was found closed, some consumers namely Gunjan Kumar, Malti Devi W/o Ramayan Ram, Ramesh Ram and other 30-40 consumers present there alleged about the gross irregularities committed by the dealer by not distributing the food grains and k.oil regularly to the consumers and even ration coupons were also retained by him and for such kind of irregularities, the inspecting officer reported for cancelling the PDS licence. Acting on the said report submitted by the inquiry officer, the SDO, Hathua vide memo No. 190/c dt. 13.02.2016 asked for a show cause reply from the petitioner. The petitioner filed her show cause reply but the licencing authority the SDO on finding the same to be unsatisfactory finally concluded that the petitioner was involved in commission of irregularities in distribution of ration and lastly vide order contained in memo No. 264/c dt. 03.03.2016 cancelled the PDS licence of the petitioner. Feeling aggrieved by the said order, the petitioner preferred an appeal before D.M. Gopalganj. Thereafter, the learned D.M. after hearing the said appeal case finally vide order dt. 03.06.2016 dismissed the same. On being aggrieved by the said order of D.M. Gopalganj, the petitioner preferred the instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing behalf of the petitioner termed the impugned order of D.M. Gopalganj as erroneous and bad in law for the reason that the same is against the mandatory provision of the PDS (control) order-2016 as well as the same is also based on surmises and conjectures. He further argued that the licencing authority ignored the show cause reply and facts narrated therein for closure of shop on the day of inspection but the same was not considered at all by the SDO. The learned counsel further argued that the learned lower Court ought to have considered the affidavit sworn by beneficiaries regarding fair distribution on prescribed price by the petitioner and had no grievance with the dealer and as such the entire complaint becomes motivated and on such kind of allegation PDS licence should not have been cancelled. He lastly submitted that the learned D.M. did not consider the facts properly while passing the impugned order as such the said order is fit to be set aside and this revision be allowed in the interest of justice.


The learned Spl. P.P., opposed the submission made by the learned counsel for the petitioner and stated that as the complaint petition filed by some consumers, the matter was inquired into by an officer who found the allegations true and it was on the said report, the licence of the petitioner has been cancelled. He further said that the impugned order is legally valid, cogent, proper and reasoned so the same is fit to be upheld.

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 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 she deprived the poor people from their right of getting subsidized grains through PDS. The contention of the petitioner is that the persons alleged to have stated about the irregularities at the time of inspection later on denied the same through affidavit. I do not find much substance in the said contention of the petitioner in view of the fact that the said affidavit might have been procured by the petitioner as an after thought ploy to defend herself 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 aforementioned reasons the impugned order passed by D.M. Gopalganj is upheld and this revision petition being devoid of any merit is dismissed.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


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