

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Revision No. 28/2019**  
**Ram Ekbal Singh**  
**Vrs.**  
**The State of Bihar & ors.**  
**ORDER**

The instant revision petition is directed against the impugned order passed by the D.M. Saran in Supply Appeal case No. 76/2017 on 10.09.2018.

The brief facts of the case are that the petitioner Ram Ekbal Singh S/o Hari Nandan Singh R/o Vill-Mahesha, Panchayat-Jitwarpur, block-Dariyapur, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 12.10.2017 at 11.05 A.M. by a joint team consisting of Supply Inspector, Dariyapur and Executive officer, Nagar panchayat Dighwara. In course of inspection certain irregularities were found like; dealer did not give cash memos to the consumers, list of beneficiaries were not displayed, the dealer did not distribute the ration every month and not even such entry was made in the ration card, some consumers stated that the dealer by distributing the food grains meant for the month of September also got signature/thumb impression of the consumers on distribution register by giving one month's ration. The irregularities found during inspection was reported to the licencing authority, the SDO, Sonpur who in turn vide memo No. 1168 dt. 15.10.2017 served a show cause notice to the petitioner for the abovementioned irregularities. The petitioner in response to the said show cause notice submitted his show cause reply wherein he rebutted all the allegation. The learned SDO, Sonpur on finding the said show cause reply to be unsatisfactory finally cancelled the PDS licence of the petitioner vide order contained in memo No. 1221 dt. 30.11.2017. Feeling aggrieved by the said order of cancellation of licence, the petitioner preferred an appeal before D.M. Saran vide Supply Appeal case No. 76/2017. Meanwhile, during pendency of the said appeal case, the petitioner approached the Hon'ble High Court by filing CWJC No. 11222/2018 which was subsequently disposed of vide order dt. 25.06.2018 with a direction to the D.M. to dispose of the same expeditiously. Then the learned D.M. after hearing the case finally vide order dt. 10.09.2018 dismissed the said appeal petition. This led to filing of a fresh writ case bearing CWJC No. 24316/2018 by the petitioner before the Hon'ble High Court wherein the order of SDO as well as order of D.M. were under challenge. However, the petitioner later on sought permission of the Hon'ble Court to withdraw the said case and accordingly such permission was granted vide order dt. 17.01.2019. This led to coming of this case before this Court under the revisional jurisdiction.

Heard the learned counsel for the parties.

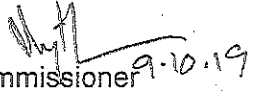
The learned counsel appearing on behalf of the petitioner submitted in detail about the allegations levelled against the petitioner and how he refuted the same through his show cause reply but the learned SDO instead of considering the same, held the same to be unsatisfactory and cancelled the PDS licence and such kind of action was fully illegal. He further argued that the petitioner used to give cash memos to the consumers and also used to distribute ration regularly and the same was also affirmed by consumers through affidavit. But neither the SDO and nor the learned D.M. considered this fact appropriately. He also strongly submitted that the petitioner's licence has been cancelled on superficial allegations and even copy of inquiry report was not made available to the petitioner so as to formulate his defence. He lastly said that the learned D.M. did not apply his judicial mind while passing the impugned order as such the same is fit to be set aside.


The learned Spl. P.P. appearing on behalf of D.M. Saran, on the other hand strongly opposed the arguments forwarded by the learned counsel for the petitioner and submitted that the impugned order is cogent, valid and reasoned as such the same is fit to be upheld.

Considering the facts and circumstances of the case, material on records, pleadings forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's PDS licence has been cancelled for commission of serious irregularities in distribution of food grains to the consumers. The chief contention of the petitioner's counsel is that all the allegation of irregularities are superficial in nature and the same can not be take into consideration for cancelling the licence. I do not find much truth in the said plea inasmuch as the petitioner by distributing one month's grains used to make entry for two months thereby depriving the consumers for their right of getting subsidized grains every month. Obviously such misconduct of the petitioner can not be taken lightly and cancellation of licence for such serious allegation also seems to be a justified action at the level of licencing authority. The other plea of the petitioner that the learned D.M. without applying his judicial mind dismissed the appeal is also not appears to be true. In fact, the learned D.M. has passed a detailed and reasoned order and has also recorded reasons for his such findings. I do not find any apparent illegality in the impugned order of D.M. The learned counsel for the petitioner also failed to point out any specific illegality in the said order so as to warrant any interference at the revisional stage.

For the aforementioned reasons, the impugned order of D.M. Saran dated. 10.09.2018 is upheld and this revision petition being devoid of merit is dismissed accordingly.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.