

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 180/18

Chandrika Ram

Vrs.

The State of Bihar

ORDER

The instant revision petition is directed against the impugned order passed by D.M. Saran in Supply Appeal case No. 35/2016 on 13.07.2018.

The brief facts of the case are that the petitioner Chandrika Ram, S/o Late Nanhak, R/o Vill-Banpura, P.S.-Ekma, Dist-Saran was a PDS dealer. Further case is that the petitioner's PDS shop was inspected on 22.08.2016 by BSO, Ekma taking cognisance on a news item published in local daily on 13.08.2016, wherein it was stated that due to non-distribution of food grains and k.oil, there was discontent amongst the consumers and they also demonstrated violently. In course of inspection of the PDS shop of the petitioner, following irregularities were found like; shop was found open but the notice board was not displayed at visible range, price list and stock position was not displayed, list of consumers were not displayed, on demand of stock register and distribution register and cash memos, the dealer produce the papers of only for one month, of 44 consumers attached with the PDS shop, amongst Parwati Devi, Hari Nath Ram, Ajit Kuwar, Rajesh Ram, Miss Chanda Kumari got recorded their statement of irregular distribution of food grains and k.oil and several other consumers alleged that taking excess price for food grains and k.oil and they also got their statement recorded. Thereafter, the BSO, Ekma vide letter No. 146 dt. 22.08.2016 reported the said irregularities found against the petitioner to the SDO, Chapra Sadar and also recommended for cancellation of the PDS licence. Acting on the said report, the licencing authority, the SDO, vide memo No. 888 dt. 26.05.2016 served a show cause notice to the petitioner. In response to that the petitioner filed his show cause reply refuting the alleged charges but the SDO while considering the said reply found that the petitioner has admitted irregularities in distribution of ration and kerosene thereby holding him guilty for violating the relevant provision of Public Distribution (control) order-2016 and he cancelled the said licence vide order contained in memo No. 1023 dt. 19.09.2016. Feeling aggrieved by the said order, the petitioner preferred an appeal vide Supply Appeal No. 35/2016 which was subsequently dismissed by D.M. Saran on 13.07.2018. This led to filing of the instant revision case before this Court.

Heard the learned counsel for the parties.

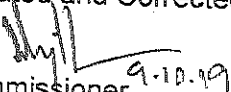
The learned counsel appearing on behalf of the petitioner submitted that the impugned order is arbitrary and illegal as the same is based on surmises and conjectures. He further argued that cancellation of licence only on the statement of two consumers namely Raju Ram and Miss Chanda Kumari is no way justified action because they were not attached with the petitioner's shop. He further submitted in detail about other allegation and also explained in detail as to how they are not worth to be considered for its vagueness. He also argued that all the relevant registers are meant for whole year then how can it be possible that there was entry of only one month and rest month's entry was not made. He further contended that the petitioner's licence has been cancelled without considering the facts properly. He lastly said that as the consumer belongs to scheduled caste and this shop is his only livelihood his licence be restored.


The learned Spl. P.P. strongly supported the impugned order. He further said that the alleged charges of irregularities are of serious nature the petitioner's PDS licence has been rightly cancelled and upholding of said order by learned D.M. is no way wrong and illegal.

Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's licence has been cancelled for gross irregularities reported during the inspection of his PDS shop. The claim of the petitioner's counsel is that the alleged charges of irregularities were baseless and only two consumers who were not he consumers made allegation and as he submitted his show cause reply contradicting the said charges, there was no occasion for the licencing authority to cancel his PDS licence and as the learned D.M. failed to consider the legal aspects of the case properly, the impugned order is fit to be set aside. I do not find much force in the said submission of the learned counsel for the petitioner in view of the fact that the inspecting officer found serious lapses on the part of the petitioner in running of PDS shop. In fact, the charges like distribution of food grains irregularly non supply of cash memos, obviously all allegations fall under serious category. It is seen that the petitioner has failed to contradict the said allegations through reliable evidence before the licencing authority while submitting his show cause reply. It is also seen that the learned D.M. has also rightly upheld the impugned cancellation order of licencing authority with cogent and justified reasons. In fact, the petitioner has failed to point out any specific illegality in the impugned order of learned D.M. so as to warrant any interference in the said order by this Court.

For the reasons stated above, the impugned order of D.M. Saran is upheld. Accordingly this revision petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.