

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 25/2019
Ram Nath Sah
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. 414/17-18 on 30.11.18.

The brief facts of the case are that the petitioner Ram Nath Sah S/o Late-Gopaljee Sah, R/o Gram Panchayat Raj Nayagaon, Block-Siswan, Dist-Siwan was a PDS licence holder. Further case is that on 03.12.2017 BDO and thereafter on 04.12.2017 Asstt. District Supply officer, Siwan inspected the PDS shop of the petitioner and seized the original stock register and distribution register meant for month Nov-2017. After the inspection by both officers they submitted their report to the licencing authority, the SDO, Siwan Sadar. In Course of inspection some gross irregularities were reportedly found. In the first inspection report altogether 14 charges and in second inquiry report a total of eight charges were reported against the said PDS dealer. In all those charges, allegations were mainly related to irregular distribution of food grains and k.oil amongst consumers and charging of excess price for those items than the prescribed rate. Besides this stock and distribution register were also not found properly maintained. Thereafter, SDO, Siwan Sadar issued a show cause notice vide memo No. 1017 dt. 09.12.2017 and second show cause notice vide memo No. 27 dt. 04.01.2018 for abovementioned irregularities. In response to said notices, the petitioner filed his detailed reply wherein he refuted all those charges but the learned SDO, on finding the said reply to be without evidence concocted and unsatisfactory held the petitioner as guilty for violating the terms and conditions of PDS licence and also of depriving the consumers from getting grains and finally vide order contained in memo No. 197 dt. 03.02.2018, he cancelled the said licence. Feeling aggrieved by the said order, the petitioner preferred an appeal vide Supply Appeal No. 414/17-18 before D.M. Siwan. The learned D.M. after hearing the case finally vide order dt. 30.11.18 dismissed the said appeal resulting in coming of this case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner termed the cancellation order passed by learned SDO as bad in law and facts both. He further argued that show cause reply filed by the petitioner has not been considered by both authority. The learned counsel also submitted that the lower Court ought to have considered that neither any consumer nor any other concerned official has ever made any complaint against the petitioner and this petitioner used to lift the food grains regularly and distributed the same also to all consumers on fixed rate and fixed quantity. The learned counsel further submitted that the impugned order of cancellation of licence has been passed by the authority without considering all the documents submitted by the petitioner. He also submitted that even the pleadings made before the learned D.M. were also not considered appropriately. He lastly submitted that as the impugned order is arbitrary, the same is fit to be set aside.


The learned Spl. P.P. appearing on behalf of the D.M. Siwan on the other hand strongly submitted as the petitioner failed to file any show cause reply, the cancellation of his licence is just and proper in view of reported irregularities found during inspection. He further submitted that the impugned order of D.M. is just, valid and proper having no scope of

interference.


Considering the facts and circumstances of the case, material available on records, arguments forwarded by the learned counsel for the parties and on perusal of the impugned cancellation order of SDO as well as of D.M. Siwan, it appears that the petitioner's PDS shop has been inspected twice by different level officers and on both occasions gross irregularities were reportedly found in respect of irregular distribution of food grains and k.oil amongst the consumers. Although, the petitioner filed his show cause reply before the learned SDO refuting the said allegation, but his said defence has been taken as incorrect and the same has also been held as concocted, lacking evidence and unsatisfactory. The claim of the petitioner is that his said show cause reply has not been considered by the licencing authority, the SDO. I do not find any merit in such claim in view of the fact that the learned SDO, has passed a detailed and reasoned order in which all the charges levelled by the inspecting officer have been dealt with separately and he has also recorded his finding separately for each charges. As such the said cancellation order can not be termed as unreasoned. The learned D.M. also while passing the final order in appeal has discussed each and every pleadings made before him and also recorded reasons for his final findings with respect to upholding the impugned cancellation order of SDO and rejection of appeal. I do not find any apparent illegality in the said appellate order. The learned counsel for the petitioner failed to point out any specific infirmity in the impugned order of D.M. Saran so as to give any scope for interference by this court.

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

Dictated and Corrected by me.

 30.10.19

Commissioner
Saran Division, Chapra.

 30.10.19

Commissioner
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