

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Revision No. 213/2018**  
**Raj Kumari Devi**  
**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. 65/2017 on 20.08.2018.

The brief facts of the case are that the petitioner Raj Kumari Devi W/o Ganesh Prasad Rai, R/o Naya Tola Harazi, P.S.-Avtar Nagar, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 11.05.2017 at about 11.37 A.M. by a joint inspecting team consisting of Sri Sunil Kumar Pandey, Director DRDA, Sri Manoj Kumar Srivastva, C.O. Amnour and Sri Vijay Kumar Tiwary, Supply inspector, Jalalpur as directed by D.M. Saran. During inspection certain irregularities were found like; The PDS shop was found closed, necessary registers could not be verified due to closure of shop and consumers namely Geeta Devi W/o Shivji Rai and Lalan Rai and some others alleged that food grains are distributed at the interval of one month and no entry with respect to distribution of ration for the month of April was found in their ration card. Thereafter, the matter was reported to the licencing authority, the SDO, Sonpur who in turn vide memo No. 261 dt. 29.05.2017 asked show cause from the petitioner for the above irregularities/allegation. In compliance to the said show cause notice, the petitioner filed her show cause reply refuting the alleged charges but the SDO on finding the said show cause reply to be unsatisfactory, finally cancelled the said PDS licence vide order contained in memo No. 44 dt. 12.08.2017. Feeling aggrieved by the said cancellation order, the petitioner preferred an appeal vide Supply Appeal No. 65/2017 before D.M. Saran. Meanwhile, during pendency of the said appeal before D.M. Saran, the petitioner approached the Hon'ble High Court by way of filing CWJC No. 17024/2017 which was subsequently disposed of on 21.02.2018 with certain observation. Thereafter, the learned D.M. after hearing the said appeal case finally vide order dt. 20.08.2018 dismissed the same. On being aggrieved by the said order of D.M. Saran, 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. Saran 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. He also argued that the petitioner was engaged in Puja as such she was not present and a prior information was also given to M.O. 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. 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.

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

quired into by a team of senior 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.

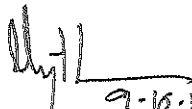
Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it appears that the petitioner's licence has been cancelled for serious charges like non distribution of food grains regularly 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, this is 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 reasons stated above, the impugned order is upheld.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.

  
Commissioner 9-10-19  
Saran Division, Chapra.

  
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