

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 26/2019
Rabindra Kumar Singh
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. 11/2016 on 06.11.2018.

The brief facts of the case are that the petitioner Rabindra Kumar Singh S/o Late Hira Singh was a PDS dealer of Nagar Panchayat Marhaurah in ward No. 14, Dist-Saran. Further case is that the PDS shop of the petitioner was inspected on 25.01.2016 by BSO, Marhaurah pursuant to a complaint petition filed by some consumers. In course of inspection, following irregularities were found like: shop was found closed at the time of inspection and the dealer was found absent, no papers of the shop of petitioner were produced by family members even on demand, several consumers got recorded their statement that they have not received any food grains from the shop of the petitioner for last two months, the dealer used to give 1 kg less grains per unit and used to take one rupees extra from the prescribed rate, K.oil was distributed irregularly in 2 litres at the rate 20 rupees per litre, the dealer often reside at Chapra and in his absence his son Vikash Kumar used to run the shop who always remained inebriated condition and always rebuked the consumers and the dealer did not deposit the money through NEFT in favour SFC for lifting of grains for the month of January and February, 16 as such the consumers have been deprived from distribution of food grains. Thereafter, the matter was reported to the learned SDO, Marhaurah who in turn vide memo No. 299 dated 08.02.2016 served a show cause notice to the petitioner for the aforesaid irregularities. In compliance to the said show cause notice, the petitioner filed his show cause reply refuting all the said allegation but the learned SDO, on finding the said show cause reply to be unsatisfactory, finally rejected the show cause reply and cancelled the PDS licence vide order contained in memo No. 578 dated 15.03.2016. Feeling aggrieved by the said order, the petitioner preferred an appeal case vide Supply Appeal case No. 11/2016 before D.M. Saran and on dismissal of the same, the petitioner has approached this Court by way of filing the instant revision petition.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner at the very outset of his argument submitted that the order passed by learned D.M. is bad in law as well as on facts inasmuch as the learned D.M. neither considered the facts raised before him nor the various documents filed. He further said that the learned D.M. did not apply his judicial mind on the cancellation order passed by SDO. The learned counsel further assailing the impugned order submitted that the learned D.M. did not consider the fact that the petitioner's PDS shop was closed due to illness of the petitioner and the said mistake was not done knowingly. He lastly said that this revision petition be allowed.

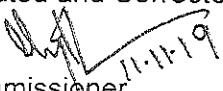
The learned Spl. P.P., on the other hand, vehemently opposed the pleadings made by the learned counsel for the petitioner and submitted that the gross irregularities found against the petitioner are of serious nature as such the cancellation of his licence is justified and even the appellate order of D.M. is reasoned and speaking having no scope of any interference.

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. Obviously, these are serious irregularities on the part of the petitioner because he deprived the poor people from their right of getting subsidized grains through PDS. The contention of the petitioner is that although the petitioner refuted the said allegation through show cause reply but the same was not considered. This contention of the petitioner seems to be untenable in view of the fact that the learned SDO after considering the show cause reply filed by the petitioner finally arrived at the findings that the said show cause reply was unsatisfactory. 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
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.