

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 83/2016
Md. Salim
Vrs.
The State of Bihar
ORDER

The instant revision petition is directed against the impugned order passed by D.M. Siwan in Supply Appeal No. 62/2015-16 on 29.03.2016.

The brief facts of the case are that the petitioner Md. Salim, S/o Late Ayub, R/o Vill-Firozpur, Block-Raghunathpur, Dist-Siwan was a PDS dealer. Further case is that the shop of the petitioner was inspected on 01.04.2015 by a sub-divisional level inspecting team, consisting of BSO of Hussainganj, Hasanpura and Mairwa. The inspecting team found certain irregularities like price list and stock position were not displayed, non-keeping of the distribution register of PHH scheme, remaining stocks of month of march-15 was not found in stock, non-distribution of food grains and K.oil every month, by supplying one months grains and K.oil and entering two months of distribution in the ration card, distribution of less grains of Antodaya scheme to the consumers. Thereafter, the inquiry report was submitted to the SDO, Sadar who in turn served a show cause notice to the petitioner with respect to the above reported irregularities, vide memo No. 313 dt. 15.04.2015. The petitioner filed his show cause reply and when opinion of BSO Raghunathpur was sought-for, he sent his report to the effect that the said show cause reply was unsatisfactory. The SDO, Siwan Sadar on finding the said show cause reply to be baseless, unsatisfactory and concocted finally held that the petitioner was responsible for violating the terms and conditions of PDS (control) order 2011 and his action was also against the observation of the Hon'ble apex Court which was sufficient to believe the petitioner was involved in siphoning of grains and K.oil. Then finally the cancellation order was passed as contained in memo No. 1285/Supply dt. 15.12.2012. Feeling aggrieved by the said order, the petitioner preferred an appeal vide Supply Appeal No. 62/2015-16 before D.M. Siwan which was subsequently dismissed vide order dt. 29.03.2016. This led to coming up of this revision case before this Court.

The learned counsel appearing on behalf of the petitioner at the very beginning of his argument, submitted that the impugned order is arbitrary and against the facts of the case. He further submitted that all the alleged charges levelled against the petitioner by the inquiry team is totally false, fabricated and prepared in collusion with the village enemies of the petitioner. The learned counsel also argued that the show cause reply and the various registers submitted before the licencing authority, the SDO were not considered at all. He also submitted that the appellate authority the D.M. failed to appreciate the fact that the petitioner was not supplied with the inquiry report and the statement of complaint consumers to which the revisionist did not get the opportunity to make his rebuttal. The learned counsel lastly said that as the lower Courts have completely failed in considering the facts, the impugned orders are liable to be set aside and this revision petition be allowed.



The learned Spl. P.P. appearing on behalf of the state vehemently opposed the arguments forwarded by the petitioner's counsel and further defended the impugned order by saying that the same is just, proper and reasoned having no scope of interference. He further said that irregularities found during inspection are of serious nature. He lastly said that impugned order is fit to be upheld.

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 initially the PDS licence of the petitioner has been cancelled for alleged report of irregularities found by the inspecting officers and subsequent failure of the petitioner to contradict the same through his show cause reply. The learned D.M.Siwan acting as the appellate authority passed a detailed order in which, in view of the charges levelled against the petitioner and for that reason action taken against him by the SDO, Siwan Sadar has been confirmed. The learned counsel for the petitioner failed to point out any specific illegality in the said order. His only contention is that the show cause reply filed by the petitioner before the SDO, was not considered and even this important fact was also not considered by the appellate authority, the D.M. I do not find much substance in the said pleadings vis-a-vis the facts mentioned in the impugned order of the D.M.

For the aforesaid reasons, the impugned order is upheld. In the result, this revision petition lacking merit is dismissed accordingly.

Dictated and Corrected by me.


31/07/2017
Commissioner
Saran Division, Chapra.


31/07/2017
Commissioner
Saran Division, Chapra.