

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 94/16
Ashok 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 No. 24/2015 on 11.02.2016.

12.08.17

The brief facts of the case are that the petitioner Ashok Kumar Singh S/o Raj Kishor Singh, R/o Vill-Dhenuki, P.S-Panapur, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 19.09.14 by BSO, Panapur and a report vide letter No. 212 dt. 20.09.2014 to SDO, Marhaurah. Thereafter, a show cause notice was issued by SDO vide memo No. 2477 dt. 07.11.2014 with respect to the alleged irregularities found during inspection. The petitioner filed his show cause reply on 20.11.2014 refuting all the alleged charges but the learned SDO, on finding the said show cause reply to be unsatisfactory and holding the petitioner for violating the terms and conditions of PDS licence as well as keeping in view the observation made by the apex Court in SLP(Civil)196/2001, finally cancelled the said licence vide memo No. 125/confi. dt. 28.04.2015. Feeling aggrieved by the said order the petitioner filed an appeal case bearing supply Appeal No. 24/2015 before D.M. Saran. The said appeal was dismissed vide order dt. 11.02.2016. This led to filing of the instant revision petition before this Court.

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 impugned order is illegal, bad and erroneous as the same is against the principle of natural justice. He further argued in detail as to how the petitioner's licence has been cancelled by the SDO on the vague allegations which is not sustainable under law. While further assailing the impugned order of D.M, the learned counsel submitted that non-supply of inquiry report which is foundation of issuing show cause as well as non supply of names of complainants as regarding the irregularities in distribution of food grains and K.oil has prejudiced the petitioner to file his reply in absence there of orders are based on no material. In this correction he relied upon the order passed by Hon'ble High Court. The learned counsel further strongly submitted that closure of shop for a day for same genuine reason, can not be a grant for cancellation of PDS licence as held by Hon'ble High Court in serious cases. The learned counsel lastly said that the various rulings cited before the appellate authority was not considering at all. This approach of the appellate Court can not be justified. He also prayed that since the impugned order is full of contradiction, the same is fit to be set aside and in turn the 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. Saran 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, Marhaurah 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.


12/08/2017
Commissioner
Saran Division, Chapra.


12/08/2017
Commissioner
Saran Division, Chapra.