

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 247/2015
Ram Nath Manjhi
Vrs.
The State of Bihar
ORDER

12.08.12


The instant revision application is directed against the impugned order passed by D.M. Saran in Supply Appeal No. 25/2013 on 13.08.2015.

The brief facts of the case are that the petitioner Ram Nath Manjhi, S/o Sohan Manjhi, R/o Vill-Basauta, P.S. Bheldi, Dist-Saran was a PDS Dealer. Further case is that on 18.02.13 a Jan Adalat was organised which was presided by SDO, Marhaurah in which several consumers, attached with the petitioner's PDS shop gave in writing their statements regarding the alleged irregularities committed by the concerned dealer. Although making related to distribution of less quantity of food grains and charging excess price than the prescribed rate. For the said allegation a show cause notice was issued to the petitioner by SDO Marhaurah vide memo No. 428 dt. 19.02.2012 and also directed to submit all records of shop. The petitioner filed his show cause reply in person on 22.02.2012 and denied all the allegation levelled against him and also prayed that he may be discharged from said allegation. However, the learned SDO on finding that the petitioner failed to contradict the charges through any reliable evidence he finally resolved that the petitioner can be absolved from the charges and finally proved charges of irregularities his PDS licence was cancelled vide memo No. 520 dt. 27.02.2013. Feeling aggrieved by the said order, the petitioner preferred an appeal case before D.M. Saran which was dismissed on 13.08.15. This led to coming up of this revision case before this Court.

Heard the learned counsel for the parties.

The learned counsel for the petitioner submitted, at the very outset of his argument, that the impugned order is illegal, bad and erroneous and fit to be dismissed with Court. He further argued that the learned D.M. refused to consider that he did not record the statement of the consumers alleged in presence of the petitioner which is under law it is necessary to examine the persons in presence of the accused or the defendant, so that he may be able to answer as such evidence recorded in absence is not relevant to be considered against him. He also argued that the learned Courts below did not give opportunity to the petitioner to cross examine the complaint who made any complaint against him. The learned counsel lastly said that since the impugned order is full of illegalities the same is fit to be set aside and in turn 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 and this revision petition being devoid of merit is fit to be dismissed.

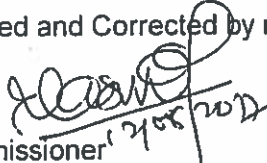


Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the parties and on perusal of the impugned order, it is seen that initially the PDS licence of the petitioner has been cancelled for alleged report of irregularities found by 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. However the learned counsel for the petitioner strongly submitted that the learned D.M. Saran without going into the facts of the case and without appreciating the relevant facts properly, passed the impugned order which can not be sustained under the law. I do find some force in the said claim of the petitioner which is also very much evident from the impugned order itself as no specific reason has been assigned for the conclusion arrived at by the D.M. Saran.

For the aforementioned reasons the impugned order of D.M. Saran is not sustainable and hence the same is set aside. The case is remitted back to D.M. Saran for fresh consideration and to pass a reasoned and speaking order after the hearing the parties and disposed of case in accordance with law.

With the aforesaid observation and direction the instant revision petition is disposed of.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.