

In The Court of Commissioner, Saran Division, Chapra

Supply Revision No. 230/2011

Shiv Nath Sah

Vrs.

The State of Bihar

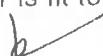
ORDER

23.02.2016 - The instant revision application is directed against the impugned order passed by D.M. Gopalganj in Misc. (Supply) Appeal case No. 43/2009 on 15.07.2011.

The brief facts of the case are that the petitioner Shiv Nath Sah S/o Late Shiv Balak Sah R/o Vill-Rupan chak, Block-Hathua, Dist-Gopalganj was a PDS licensee. Further case is that the petitioner's PDS license was placed under suspension pursuant to an enquiry report submitted by BSO, Hathua alleging therein about commission of gross irregularities in distribution of food grains and k.oil to the consumers and also of charging excess price for k.oil than the prescribed price. Although, a show cause notice was issued to the petitioner for the aforementioned reported irregularities, but his said license was suspended for the failure to submit the sufficient evidence in support of his denial for the alleged irregularities and subsequently record was sent to the District Level Selection Committee, headed by D.M. Gopalganj with recommendation for revocation of suspension. However, the DLSC resolved to cancel the said PDS license and the said license was cancelled vide memo No. 121 dt. 20.02.2008. Thereafter, the petitioner filed a Supply Revision No. 81/2008 before this Court and this Court after hearing the case was pleased to remand the case back to the Court of D.M. Gopalganj vide order dt. 19.05.2009 with a direction to pass a reasoned order after hearing all the concerned parties. Thereafter a case vide Misc (Supply) Appeal case No. 43/2009 was initiated in the Court of D.M. Gopalganj and after hearing the parties, the said case was dismissed vide order dt. 15.07.2011 on the ground that the petitioner had failed to disprove the alleged charges of irregularities through any concrete evidence. This led to filing of the present revision case 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 in details about the whole sequence of events leading to coming up of this case before this Court for the second time. He further submitted that the learned D.M. without considering the direction contained in the remand order of this Court dismissed the appeal which is illegal and arbitrary. He further argued that although the petitioner had filed sufficient documentary evidence to contradict the alleged charges, but the same were not appreciated and the impugned order was passed which is against the relevant provision of the PDS (control) order. He lastly submitted that the impugned order is fit to be set aside.



The learned Spl. P.P. appearing on behalf of the D.M. Gopalpanj on the other hand argued that the impugned order is cogent, reasoned and proper having no infirmity as such the same be upheld.

Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the parties, it is seen that the learned D.M. has passed a detailed and reasoned order after touching the every aspect of the case and after hearing the parties. It is also obvious that the learned D.M. has held that the earlier decision of the DLSC was taken on careful consideration and accordingly the appeal was not fit to be allowed for the reason that the petitioner has failed to contradict the alleged irregularities reported against him. Certainly, the said findings of D.M. Gopalpanj can not be termed arbitrary or illegal rather the same appears to be proper and valid. In fact, the petitioner has failed to set forth any good ground for the interference in the said findings of D.M.

Thus, for the aforesaid reasons, I am constrained to uphold the impugned order and hence the same is upheld accordingly.

In the result this revision application is dismissed.

Dictated and Corrected by me.

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23.2.16
Commissioner,
Saran Division, Chapra

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28.2.16
Commissioner,
Saran Division, Chapra