

IN THE COURT OF COMMISSIONER, SARAN DIVISION, CHAPRA

Supply Revision No. 366/2013

Vyash Pandey
Vrs.
The State of Bihar.

ORDER

13.03.2015 The instant revision is directed against the impugned order passed by District Magistrate, Siwan on 21.11.2013 in Supply Appeal No 34/2012-13.

The brief facts of the case are that the petitioner Vyash Pandey was a PDS dealer of Mahanada Panchyat of Bhagwanpur Hat block of Siwan District. The further case is that the PDS shop of the petitioner was inspected by BSO on 20.08.2012 and in course of inspection following irregularities were found like: closure of shop, dealer was absent, no stock or distribution registers were produced for verification, consumers alleged that coupons of two months were taken by supplying one month ration and also of improper behaviour towards consumers. Thereafter, the BSO reported the matter to SDO, Maharajganj who in turn issued show cause notice to the petitioner and in pursuant to that the petitioner filed his show cause reply on 28.08.2012. The SDO, again sought the opinion of BSO on the said show cause reply furnished by the petitioner and later on PDS licence was cancelled by SDO vide order as contained in Memo No. 384 dated 30.09.2012. Feeling aggrieved by the said cancellation of PDS licence, the petitioner approached the D.M., Saran preferring an appeal which was dismissed vide order dated 21.11.2013.

On being aggrieved by and dissatisfied with the aforesaid order passed by the appellate authority, the petitioner has preferred this revision before this court.

Heard the parties.

The learned counsel appearing on behalf of the petitioner submitted that the impugned order has been passed without appreciating the fact that on 20.08.2012, the day of inspection, was declared as holiday for festival of idul-Fitra. He further submitted that petitioner had not taken the delivery of Rations for the month of June, 2012 till the day of inspection and S.I.O. for July, 2012 was not supplied to the petitioner hence the claim of consumers appears to be

collusive. He also argued that there was rivalry between the Mukhiya and this PDS dealer and it was on the instigation of Mukhiya, action has been taken against this PDS dealer. He further submitted that the learned D.M. did not consider all these important facts while passing the order as such the impugned order is liable to be set aside.

The learned SPL P.P. appearing on behalf of the D.M., Siwan, submitted that the impugned order is cogent and reasoned having no illegality or infirmity hence the same may be upheld and this revision being devoid of merit is fit to be set aside.

Considering the facts and circumstances of the case, material available on records and on going through the arguments forwarded by the learned counsel for the parties, it is seen that in course of inspection of the PDS shop of the petitioner certain irregularities were found and when the petitioner failed to disapprove the charges, supported by documentary evidence through show cause reply, the licensing authority took the step of cancelling the PDS licence. The learned counsel for the petitioner failed to cite any apparent infirmity and irregularity in the impugned order of D.M. Siwan so as to warrant any interference at revisional stage. I also find that the charges levelled against the petitioner are of somewhat serious in nature as he used to commit gross irregularities in distribution of food grains and K-oil to the consumers besides his indulgence in inappropriate behaviour towards the consumers.

Thus, for the aforesaid reasons and observation made therein, I am not inclined to interfere with the impugned order of D.M. Siwan, hence the same is upheld and accordingly this revision petition is dismissed.

Dictated and Corrected by me.


Commissioner,
Saran Division, chapra

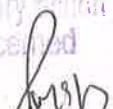

13.3.15
Commissioner,
Saran Division, Chapra

Memo No..... Date.....
Order Passed on 13/3/15 Forwarded to The
D/O, Saran.

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For information and its attestation and for
Communication to all Concerned


Sec To Commissioner
Saran Div Chapra
19/3