

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 166/2016
Manorma Devi
Vrs.
The State of Bihar
ORDER

The instant revision application is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 54/15-16 on 15.07.2016.

The brief facts of the case are that Manorma Devi W/o Anil Kumar Singh, R/o vill-Domidih, Gram Panchayat-Kabirpur, Block-Mairwa, Dist-Siwan was a PDS licensee having licence No. is 602/2007. Further case is that the PDS Shop of the petitioner was inspected on 27.07.2015 by BSO, Mairwa pursuant to a complaint petition filed by consumers belonging to Antodaya and PHH Scheme. Thereafter, a report was submitted by the inquiry officer, the BSO to the SDO, Siwan Sadar wherein it was stated that serious irregularities were committed by the concerned PDS dealer. This led to serving of a show cause notice to the petitioner with respect to following alleged irregularities like: PDS shop was found closed and the dealer was remained absent unauthorisedely, price list and stock board were not maintained properly, P.H.H. Scheme food grains were not distributed to the consumers for the last three to four months, distribution of less quantity of food grains than the unit mentioned in the ration card, distribution of one month K.oil and making entry in ration cards for all the remaining months and even improper behaviours with the consumers. The petitioner filed her show cause reply on 17.08.15 and on finding the said show cause reply to be unsatisfactory, a second show cause was issued vide memo No. 594/conf. dt. 31.08.2015. In the meantime again a complaint petition was filed by the consumers again the said dealer in the Janta Darbar of D.M. Siwan on 03.09.2015 which led to re-inquiry by DSO, Siwan and SDO, Siwan jointly of the PDS shop of the petitioner. In course of inquiry the consumers given their written statement that the dealer used to distribute less quantity of food grains than the prescribed quantity and that too on higher prices. They also alleged that when the consumers raise their protest they were threatened and forced to flee. Then the learned SDO, after rejecting the second show cause reply of the petitioner finally held that the petitioner has committed gross irregularities in distribution of food grains and K.oil and accordingly he cancelled the said PDS licence of the petitioner vide order contained in memo No. 1167/Supply dt. 03.09.2015. Feeling aggrieved by the said order, the petitioner preferred an appeal case before the learned D.M. Siwan vide Supply Appeal case No. 54/15-16 and the said case was dismissed vide order dt. 15.07.2016. This led to filing of the instant 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 that the cancellation order passed by SDO, Siwan as well as the impugned order are illegal and fit to be set aside because the show cause replies submitted by the petitioner were not considered appreciating the fact mentioned therein. He further submitted that actually a complaint was filed by the consumers due to ulterior motive but this important fact was not considered by the concerned authorities. He also argued that actually the petitioner, on the day of inspection had gone to Mairwa for her

treatment of stomach pain and this was clearly mentioned on the notice board like: "I am going for treatment" and it was due to that reason, physical verification of registers could not be done. Regarding other allegations of distributing of less quantity of food grains and K.oil and that too irregularly, he said that the allegation is politically motivated as out 3400 units attached to the PDS shop, only card holders of 350 unit has filed the complaint. He lastly submitted that as the concerned dealer is a lady and she failed to meet with the demand of some people regarding giving of excess food grains and K.oil, they all made complaint before the authority. He lastly prayed that as the petitioner is a lady and the allegations are of normal nature, relief must be granted to her.

The learned Spl. P.P., on the other hand, said that the petitioner's licence has been cancelled for the alleged charges of irregularities and the same was found true even in the joint inquiry made by DSO and SDO and subsequent failure of the petitioner to furnish any satisfactory reply denying the said charges.

Considering the facts and circumstances of the case, material available on records, arguments forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's PDS licence has been cancelled for the serious irregularities stated to have been found in the two inquiries conducted against her, firstly by B.S.O. Mairwa and secondly by DSO and SDO himself. It is also to be noted that the petitioner failed to file any satisfactory show cause replies before the licencing authority, the SDO, resulting in the cancellation of her PDS licence. Even the learned D.M. Siwan, in appeal also upheld the said cancellation order as proper and legal. The learned counsel for the petitioner failed to point out any specific illegality in the findings of the learned D.M. Siwan so as this Court find any scope to make any interference in the said order. All the pleas taken before this Court have been elaborately dealt with by the appellate Court while dismissing the appeal. I do not find any good ground to make any interference in the impugned order.

Thus, for the aforementioned reasons, the impugned order of D.M. Siwan is upheld.

Accordingly, this revision application is dismissed.

Dictated and Corrected by me


16/09/2017
Commissioner
Saran Division, Chapra.


16/09/2017
Commissioner
Saran Division, Chapra.