

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 24/2016
Geeta Devi
Vrs.
The State of Bihar
ORDER


12.08.17

The instant revision petition has been preferred before this Court pursuant to the direction contained in the order dt. 11.09.2015 passed by Hon'ble High Court while disposing of CWJC No. 14998/2013; Geeta Devi Vrs The State of Bihar & ors.

The brief facts of the case are that the petitioner Geeta Devi W/o Gopal Jee Sah, R/o Vill-Kawala Chak, P.S.-Vijaypur, Dist-Gopalganj was a PDS dealer. Further case is that some people of village Khutaha and Mukhiya of Panchayat Raj Bharpura filed a complaint petition before the competent authority and thereafter the shop of the petitioner was inspected by BSO, Vijaypur and Kateya on 10.10.2012. In course of inspection, following irregularities were found: dealer was absent and so different registers can not be inspected, husband of the dealer shown his inability to produce the various registers so, stock and distribution could not be checked, several consumers alleged that they have not been given food grains meant for Antodaya form the month of Feb-2012 to May-2012. Thereafter a show cause notice was issued to the petitioner. The petitioner filed her show cause reply stating therein that on the day of inspection she moved to a nearby village to attend a "Chatiyar" and also denied all other charges. However, the SDO on considering the said show cause reply, found the same to be baseless, concocted and far from truth and even no concrete evidence was furnished to contradict the said charges. He finally rejected the said show cause reply and cancelled the PDS licence vide memo No. 7483 dt. 03.11.2012. Feeling aggrieved by the said order, the petitioner filed an appeal before D.M. Gopalganj which was dismissed vide order dt. 01.06.2013. Then the petitioner approached the Hon'ble High Court by way of filing a writ petition bearing CWJC No. 14998/2013 which was disposed of by order dt. 11.09.2015 granting liberty to the petitioner to avail the remedy of revision before Commissioner.

Heard the learned counsel for the parties.

The learned counsel at the very outset of his argument, submitted that the learned SDO, Hathua as well as learned D.M. Gopalganj has totally failed to appreciate the show cause reply, given by the petitioner and has been completely carried away by the statements of the politically motivated persons. He further submitted that the shop was inspected at 2.00 P.M. and during that time petitioner was found absent as she had gone to a nearby village for attending a function of "Chatiyar" and this was the reason for not showing the relevant registers and documents. He further assailed the impugned order by saying that the learned D.M. has committed a grave illegality in law by not applying his fresh mind over the facts and circumstances of the matter and went on to confirm the order of SDO mechanically. He also submitted that the learned D.M. has made an error in holding that the examination of the records and the store of the shop is not required as the same is periodically checked by the concerned BSO. He further said that the learned D.M. has failed to appreciate that the lower Court has



accepted the statements of the complainants even in the absence of any evidence supported on their behalf and also not recorded any reasons for such acceptance. The learned counsel lastly said that the impugned order is illegal and arbitrary as such the same is fit to set aside and in the result 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.

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 officer and subsequent failure of the petitioner to contradict the said charges through her show cause reply. The learned D.M.Gopalganj 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, Hathua 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. In fact, it is seen that the learned D.M. has considered each and every aspects of the case appropriately before arriving at the final finding of facts.

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.


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Saran Division, Chapra.