

(2012) 03 AHC CK 0287
In the Allahabad High Court
Case No : C.M.W.P. No. 19703 of 2008

Dharmendra Kumar Singh

APPELLANT

Vs

Dy. Commissioner, Food and Civil Supplies, Allahabad and
others

RESPONDENT

Date of Decision : 21-03-2012

Acts Referred:

Citation : (2012) 4 AWC 4109

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Advocate : A.K. Singh, B. Lal and D. Lal, for the Appellant; Mahendra Prakash, Ankit Gaur and C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard Sri. A.K. Singh, learned counsel for the petitioner and learned standing counsel for respondent Nos. 1, 2 and 3 and Sri. Mahendra Prakash for respondent No. 5 who is the subsequent licensee of the fair price shop. The contention raised by the petitioner is that the entire dispute was mala fide initiated at the instance of a Cabinet Minister of the then Ruling Government, and on the basis of an ex parte inquiry which was conducted by recording statements of those persons who were not even subject matter of subsequent Inquiry. Learned counsel submits that there was no material or evidence to indicate any basis for the said complaints, therefore, the issuance of the charge-sheet was without substance.

2. Sri. A.K. Singh further invited the attention of the Court to the contents of the written reply to the charge-sheet that has not been considered by the District Supply Officer while passing the impugned order dated 26th July. 2007 as such the same is erroneous. An appeal was filed against the said order which was also dismissed and it is urged that the appellate order is equally erroneous on facts as well as on law.

3. Replying to the said submissions learned standing counsel submits that as a matter of fact after the complaint was received, the concerned Magistrate issued a direction to take an appropriate action in the matter. The action which has been taken against the petitioner is in accordance with law and in accordance with the procedure prescribed under concerned Government order, according to which the petitioner has been issued a proper charge-sheet and he has been given time to file a reply.

4. The learned standing counsel submits that the said reply has been considered and the same being unsatisfactory, the license has been cancelled.

5. Learned counsel for the respondent No. 5 has adopted the same argument as urged by the learned standing counsel and he submits that there were serious discrepancies in the distribution of the essential commodities and violation of the terms and conditions of the license, as such the cancellation was imperative.

6. Having heard learned counsel for the parties, it is true that the complaint was initiated with a direction from the Minister who has been arrayed as respondent No. 4. Nonetheless, a charge-sheet was submitted specifying at least 13 charges against the petitioner together with details in support of the said charge. The charges, on a perusal, indicate non-distribution of essential commodities and also charging of extra money for the commodities that were distributed by the petitioner. The petitioner submitted a reply to the same. From a perusal of the said reply there is a general bold denial without there being any cogent explanation with regard to the specific card holders and card numbers referred to in the charge-sheet.

7. Apart from this, no evidence appears to have been adduced by the petitioner or demonstrated before the District Supply Officer about the distribution of the essential commodities to those card holders whose names have been referred in the charge-sheet.

8. In my opinion, the reply of the petitioner. Is absolutely vague in spite of the fact that the charge-sheet was specific. In this view of the matter, the findings recorded by the District Supply Officer and as affirmed by the Commissioner in appeal that the explanation given by the petitioner is unsatisfactory cannot be faulted with.

There is no merit in the writ petition, accordingly, the same is dismissed.