

(2003) 01 OHC CK 0074

In the Orissa High Court

Case No : Original Jurn. Case No. 2133 of 2002

Manas Ranjan Das and Others

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 21-01-2003

Acts Referred:

Essential Commodities Act, 1955 — Section 3

Citation : AIR 2004 Ori 62 : (2003) OLR 197 Supp

Hon'ble Judges : R.K. Patra, J; Pradip Mohanty, J

Bench : Division Bench

Advocate : S. Mishra-2, S. Mantry, A.K. Mishra, A.K. Sharma, R.N. Prusty and P.K. Dash, for the Appellant; D. Das, Addl. Govt., for Nos. 1 and 2, R.B. Mohapatra, M.M. Satpathy, R.N. Mohanty and P. Mishra, for Nos. 3 to 16 and 19, R.N. Mohanty, R.C. Ojha and A.K. Jena, for Nos. 17 and 18, for the Respondent

Final Decision : Dismissed

Judgement

R. K. Patra, J.—The petitioners are sub-wholesalers for distribution of Kerosene oil to retailers from nine different Blocks in the district of Keonjhar. In this writ petition, they seek to quash the appointments of opposite parties 3 to 19 as sub-wholesalers of Kerosene in 10 different Blocks in the district of Keonjhar as per the Government order dated 8-1-2002 at Annexure 7. According to the petitioners, the appointment of opposite Parties 3 to 19 as Sub-wholesalers is contrary to the circulars Issued by the State Government. The petitioners allege that they (opposite parties 3 to 19) were appointed at the behest of the local M.L.As.

2. Counter-affidavits have been filed by the contesting opposite parties denying the allegations.

The common case of the contesting opposite parties is that vacancies had arisen on account of resignation of the concerned sub-wholesalers or on account of suspension of licences necessitating fresh appointments. They have also stated that the existing sub-wholesalers have not been distributing Kerosene oil at

regular intervals and thereby depriving the local people to get Kerosene oil. Besides this, the existing sub-wholesalers resided at remote places causing inconvenience in fair and equal-distribution of Kerosene.

3. We have heard counsel for parties and are satisfied on perusal of the Government records that appointment of sub-wholesalers as per the impugned order does not call for interference. It appears that there had been vacancies of sub-wholesalers in different blocks due to resignation and/or cancellation of licences. This necessitated appointment of fresh sub-wholesalers. Accordingly, the Additional District Magistrate, Keonjhar in his letter No. 1447 dated 4-7-2001 at Annexure 6 wrote to the Government indicating the vacancy position of each Block. Opposite parties 3 to 19 also made applications for grant of sub-wholesalers' licence to the Collector. On receipt of those applications, the Collector called for report from the concerned Block Development Officers and Sub-Collectors and on making enquiry, the concerned Block Development Officers and Sub-Collectors, reported that there are certain vacancies which are to be filled up and that in some other places the existing sub-wholesalers are not distributing Kerosene oil at regular intervals thereby causing inconvenience to the local people. It was also found by them that most of the existing sub-wholesalers reside at far off places, i.e. 30 to 80 Kms. away from the residential places and it has become difficult for them to go to their depots at regular intervals. The Collector after taking into consideration all the various factors recommended the cases of opposite parties 3 to 19 to the State Government for necessary approval. The State Government on due consideration accordingly appointed them as sub-wholesalers. The appointments of opposite parties 3 to 19 is in addition to the existing sub-wholesalers. Therefore, the petitioners are in no way affected by their appointments. Further, the petitioners have no inherent right to get a particular quota. The aim and purpose of Public Distribution System is that a common man should get the essential commodities easily and any inconvenience caused to him is against the System.

For the reasons aforesaid, we do not find any merit in this writ petition which is accordingly dismissed.

Pradip Mohanty, J.

4. I agree.