
(1989) 08 P&H CK 0151

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11043 of 1988

Ramesh Chander Jain

APPELLANT

Vs

Deputy Commissioner and Another

RESPONDENT

Date of Decision : 17-08-1989

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1990) 1 ILR (P&H) 429 : (1990) 98 PLR 132

Hon'ble Judges : M.M. Punchhi, J;Amrit Lal Bahri, J

Bench : Division Bench

Advocate : Ashok Aggarwal and Neena Bansal, for the Appellant; S.S. Ahlawat, D.A.G., for the Respondent

Final Decision : Allowed

Judgement

M.M. Punchhi and A.L. Bahri, JJ.—After hearing learned counsel for the parties, we think it better to dispose of this petition at this stage.

2. The petitioner was a licensed depot holder for the sale and distribution of food articles in three villages in district Gurgaon, Haryana. For some defalcations, he was issued a show cause notice, dated 22nd April, 1988, Annexure P-1, by the District Food and Supplies Controller, Gurgaon asking him to show cause as to why his licence be not cancelled, he was simultaneously asked that he could show cause within the stipulated period by personally explaining the case to the said officer. The petitioner controverted the basis of the show cause notice by submitting a lengthy reply, Annexure P-2. Since no specific date was given to him for hearing, it was not wrong for him to anticipate that he would get an intimation of the date as had asked for a personal hearing. The District Food and Supplies Controller thought that it was enough compliance of law if a show cause notice had been served and an open opportunity given to the petitioner to come and explain his case. He accordingly cancelled his licence. The appeal of the petitioner was dismissed by the Deputy Commissioner, Gurgaon, on the ground that no personal hearing as asked for was necessary any further that the

petitioner did not deserve licence in three villages which by itself justified cancellation.

3. Having gone through the impugned orders, Annexure P-3 and P-5, we are of the view that there has been a miscarriage of justice. Written pleadings apart, oral argument is part of our judicial process. Even the same is necessary at the quasi judicial level. It is not a ritual which can be assumed to have been performed by giving paper opportunity. Since the petitioner had submitted a detailed reply against the show cause notice, the least that was expected by the District Food and Supplies Controller was to intimate a date of hearing to the petitioner so that he could substantiate and explain what was stated in writing. In these circumstances, we are of the view that the appellate namely availed of by the petitioner also suffered from the basic defect since it endorsed the views of the District Food and Supplies Controller in the matter of grant of personal hearing,

4. For these reasons, we allow the writ petition, quash the orders, Annexures P-3 and P-5, and remit the case back to the District Food and Supplies Controller for granting the petitioner a hearing. He shall now issue a date to the petitioner for the purpose when he can conveniently hear him. No costs.