

(1997) 07 NCDRC CK 0088

In the National Consumer Disputes Redressal Commission

UPENDRA BISWAL

APPELLANT

Vs

HEMENDRA BISWAL

RESPONDENT

Date of Decision : 03-07-1997

Acts Referred:

Citation : 1998 2 CPJ 643 : 1998 3 CPR 450 : 1999 1 CPC 137

Hon'ble Judges : P.C.Misra , Biswanath Rath , Mrinalini Padhi J.

Final Decision : Orders passed

Judgement

1. THE four complainants in C.D. Case No. 210 of 1992 of the District Forum, Balasore are the appellants in this appeal. THE aforesaid case was filed against the approved controlled dealer for distribution of essential controlled commodities as per the ration card alleging that he has not been doing so. THE Officers of the Government, namely, the Block Development Officer, Nilgiri, the Assistant Civil Supplies Officer and the Sub-Collector, Nilgiri were also included as opposite parties who are respondents 2, 3 and 4 in this appeal. THE case of the complainants is that they are holders of ration cards being residents of the village of which the present respondent No. 1 is the approved controlled dealer. THEir allegation is that they are either not being supplied with the controlled commodities or being supplied with less quantity of controlled commodities for which they made several representations to the Government officials impleaded in this case. But finding no effective result, they took the shelter of the Consumer Forum for redressal. THE opposite party No. 1 (respondent No. 1 in this appeal) filed his show cause denying all the allegations made in the complaint petition. His case was that out of the four complainants, only complainant No. 2 holds a ration card and the others have no ration cards in their names. According to him, there has been no deficiency in service as he has supplied the controlled articles whenever approached by the card holders as per the availability of the stock. It is also further stated that due to shortage of funds at times he is unable to take sufficient controlled commodities and therefore, there has been no deficiency on his part. As some of the complainants who are not ration card holders approached him for supply of controlled commodities and

he could not comply with their request, this case has been falsely filed against him. THE other opposite parties, namely, the present respondents 2 to 4 do not appear to have filed any show cause before the District Forum though represented by the State Counsel.

2. THE District Forum on perusal of the records found that some copies of ration cards were filed before it but those ration cards did not make any mention about the quantity of the controlled commodities to be given to the card holders. THE Forum also mentioned that the complainants could not show any Circular or Rules to indicate that a particular quantity of controlled articles are to be supplied to the card holders. In the absence of these two factors, the District Forum expressed its inability to hold as to whether or not the retail dealer is supplying adequate quantities of the controlled commodities which the card holders are entitled to get. The complainant-appellants in this appeal make a grievance that some of them are admittedly card holders and they are entitled to receive different quantities of controlled commodities as per the norm/policy/directions of the State Government from time to time. Thus those directions of the Government if any must be read as part of this ration cards so that they would be supplied with the controlled commodities. It is quite plausible that it is for that reason the individual ration cards did not make any mention of the quantities of the controlled commodities to be supplied by the retail dealer to the card holders. In our opinion some further enquiries should have been made by the District Forum as to what quantities of controlled commodities of different types at different times the card holders are entitled to get as per the ration cards. Issuance of a ration card means that the card holder is a bona fide resident of the area and is entitled to get the controlled commodities as per the norms/policy/directions of the Government. The public distribution system would be meaningless if a card holder is not given the quantities of controlled commodities to which he is entitled to as the holder of a ration card.

The complaint petition is however silent as to when and whether less quantities of controlled commodities were given to any of those complainants who are holders of ration cards but merely made a grievance that the quantities of controlled commodities mentioned in the cards are not being supplied to them. There appears to be some confusion in the complaint petition as the ration card itself does not make any mention of the quantities of controlled commodities to be supplied.

3. IN the absence of essential factors for determining as to whether the controlled commodities which the card holders are entitled to get are being supplied or not, we are unable to hold that any of the opposite parties more particularly the present respondent No. 1 is guilty of deficiency in service. At the same time we want to observe that the Government should have clarified at least before the District Forum as to why the ration cards do not make any mention about the quantities of any controlled commodities to be supplied though there is a specific column therein for the purpose. It should also have been made clear

that what is the quantity of controlled commodities the rural inhabitants of the locality are entitled to get as per the norms/policy/directions of the Government. This having not been done, the persons who have been issued ration cards have been suffering and as stated by them in the complaint petition their grievance is not being attended to by the concerned Authorities. IN the aforesaid context, we would dispose of this case with a direction to respondents 2, 3 and 4 to scrutinise and keep vigilance for adequate supply of the controlled commodities to the rural inhabitants particularly to the inhabitants of the village of which the appellants are permanent residents so that the retail dealer taking advantage of the absence of the quantity of controlled commodities in the ration cards would not refuse to supply the notified quantity of articles or not supply articles at all. If it becomes so necessary, the card holders may be called upon to submit their cards for mention of the quantities of controlled commodities they are entitled to get of which they appear to be ignorant. Orders passed.