

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई³
कार्रवाई के बारे में
टिप्पणी तारीख के
साथ

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In the Court of Divisional Commissioner,
Santhal Pargana Division, Dumka

Rev.Misc. License Revision No.618/2024

Rubilal Hansdah

-Versus-

The State of Jharkhand and others

Order

The instant revision has been filed against an order dated 05.12.2023 passed by the learned Deputy Commissioner, Dumka in his R.M.A (P.D.S) No.08 of 2023-24.

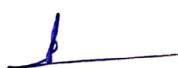
The brief fact as presented is that the petitioner is a resident Jamabandi Raiyat of Mouza-Paharpur within P.S-Jama of Sub-division and District-Dumka. The petitioner applied for the License of P.D.S and License Bearing No.27/2001 was granted to petitioner on 28.08.2001. The petitioner after getting P.D.S shop License was serving properly to the Ration card holders. In the year 2009, the Block Supply Officer, Jama inquired into the shop and submitted a report of some irregularities in shop and vide order no.32 of 2009, Memo No. 180/Anu.Aa. dated 17.02.2009, issued by the S.D.O, Dumka, suspended the License of the petitioner and the petitioner was directed to submit his explanation and further the Supply Officer, Jama vide Letter No.52 dated 25.02.2011 submitted his report to the S.D.O, Dumka with a recommendation to vacate the suspension after warning the petitioner. The petitioner in the meantime fell seriously ill and during his illness, the S.D.O, Dumka cancelled the License No.27 of 2001 vide Order No.47(A)/2013, Memo No. 2 (HQ) dated 18.05.2013. The petitioner came to know the fact after receiving Memo No.1556/Ji.Aa. dated 27.10.2023 under the signature of the D.S.O, Dumka. The petitioner filed Rev. Misc. Appeal (P.D.S) No.08 of 2023-24 before the Deputy Commissioner, Dumka and the Deputy Commissioner, Dumka vide his order dated 05.12.2023 dismissed the appeal of the petitioner on the ground that the appeal was filed after ten years of the impugned order, and prescribed period of limitation is only 30 days for filing of the appeal. Being aggrieved at and dissatisfied with the aforesaid order, the petitioner has filed the revision.

The learned counsel of the petitioner submitted and argued that the learned Deputy Commissioner, Dumka has discussed the appeal on the

ground of the period of limitation. Both the courts learned below failed to appreciate the fact that the initial allegation against this petitioner was revoked by the Order No.22/2011, Memo No.217/Anu.Aa. dated 05.03.2011 and the Block Supply Officer, Jama has recommended to vacate the suspension of the License but the S.D.O, Dumka by ignoring the report of the B.S.O, Jama vide an Order No.47(A)/2013, Memo No.2 (HQ) dated 18.05.2013 cancelled the License of the petitioner. The learned S.D.O in the year 2013 cancelled the License of the petitioner. The petitioner filed an appeal before the Deputy Commissioner, Dumka, who merely on the ground of limitation dismissed the appeal. The petitioner is Scheduled Tribe and he has been deprived from natural justice, the learned lower courts without considering the merit dismissed the appeal of the petitioner. The learned Hon'ble court is empowered to suo-motto enter into the merit of the case u/s-29 of Bihar Trade Articles (Licenses Unification) Order 1984. The petitioner has filed a petition with prayer to declare Niraj Murmu s/o-Ram Murmu, resident of Village-Panchkathia, P.S-Jama, P.O- Bhotokodia, District-Dumka as his legal representative and the trade License to be issued in his name. In the light of above submission prayed to allow the revision.

The learned G.P on behalf of the opposite party submitted and argued that the learned Deputy Commissioner, Dumka R.M.A (P.D.S) No.08/2023-24 has rightly dismissed it. The petitioner has filed appeal after ten years and on the ground of limitation, the learned Deputy Commissioner, Dumka has rightly dismissed on the point of admission. Under the above submission prayed to dismiss this revision.

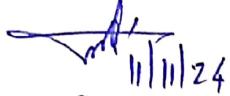
Heard counsel of both the parties and perused entire document on record, I observed that the learned Deputy Commissioner, Dumka has rejected R.M.A (P.D.S) No.08/2023-24 on the ground of limitation at admission stage. In my opinion, under the facts and circumstances, the matter requires reconsideration, the P.D.S License of the petitioner Rubilal Hansda Bearing No.27 of 2001 issued on dated 28.08.2001, the petitioner has not been alleged with any charges by the S.D.O, Dumka. The petitioner due to his serious illness could not appear on time before the S.D.O, Dumka and so that, the S.D.O, Dumka cancelled the License of the petitioner. The matter requires sympathetic proper considering. Therefore, I set aside the order passed by the Deputy Commissioner, Dumka in his R.M.A (P.D.S) No.08/2023-24 dated 05.12.2023 and as well as the order passed by the S.D.O, Dumka. The S.D.O, Dumka is directed to restore the P.D.S License of the petitioner Bearing No.27 of 2001 in the name of the petitioner's legal representative namely Niraj Murmu s/o-Ram Murmu of Village-



Panchkathia, P.S-Jama, P.O- Bhotokodia, Sub-divisional and District-Dumka, as prayed by the petitioner.

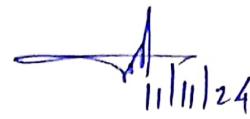
The revision is allowed.

Dictated and Corrected by me



11/11/24

Commissioner
Santhal Pargana Division,
Dumka



11/11/24

Commissioner
Santhal Pargana Division,
Dumka