

उपायुक्त का न्यायालय, कोडरमा

मिस्त्रियस अपील नं०-11/2017

श्रीमती रेखा देवी बनाम राज्य।

31-5-18

आदेश

अपीलार्थी रेखा देवी पति-धेखराज राणा, सकिन-करियावा, गापा-जयनगर, जिला-कोडरमा के द्वारा जिला आपूर्ति पदाधिकारी, कोडरमा के पारित आदेश ज्ञापक 585 दिनांक 02-06-2017 के द्वारा अपील वाद खारज किया गया है। उक्त आदेश द्वारा श्रीमती रेखा देवी, जन वितरण प्रणाली विजेता, अनुज्ञप्ति संख्या-06/2002 को रद्द किया गया है।

अपीलार्थी के द्वारा जिला आपूर्ति पदाधिकारी, कोडरमा द्वारा अनुज्ञप्ति संख्या-06/2002 को रद्द किये जाने संबंधी आदेश ज्ञापक 585 दिनांक 02-06-2017 को Set-aside करते हुए इस अनुज्ञप्ति को पुनर्बहाल करने का अनुरोध किया गया है।

अपीलार्थी के विद्वान अधिवक्ता के द्वारा जिला आपूर्ति पदाधिकारी, कोडरमा द्वारा पारित आदेश को न्याय विरुद्ध बताते हुए उक्त आदेश को निरस्त करने का अनुरोध किया गया है, जो निम्नवत् है:-

1. That the brief story of the case is that the petitioner was running a shop of Public Distribution System of Government in her Panchayat vide no. 6/2002 and from 2002 there is not any type of complain against the petitioner.
2. That on 25.05.2017 D.S.O. held an enquiry and found that the name of the Labhuk were not mentioned on notice board, in front of the shop and hence a show cause was demanded from the petitioner regarding non-fulfillment of the term of PDS Control Order 2017 para 27 within three days.
3. That the petitioner received the notice of 29.05.2017 and given her show cause on 2.6.2017 but unfortunately without considering the show cause, the cancellation order has been passed.
4. That the allegation leveled against the petitioner is technical and formal and there is not any grievance of the villagers against the petitioner.
5. That the petitioner is sincerely doing her duty and distributing the food grains regularly since long and on 25.05.2017 there was Vat Sawitry Pooja and the petitioner was painted the shop and the board was given to the painter with list of Labhuk, and on the occasion of Vat Sawitry Puja, the petitioner was in fasting and could not brought the painted board.
6. That the petitioner is law abiding citizen of the locality and always obeyed the law.
7. That on 02.06.2017 Show Cause was given by the petitioner but without considering the same, order was passed.
8. That for the sake of justice and after taking lenient view, the order of learned District Supply Officer may kindly be recalled and the license of Public Distribution System the Petitioner may kindly be reinstate.
9. That without any cogent ground, the District Supply Officer, Koderma cancelled the license of the Petitioner.

सरकारी अधिवक्ता, कोडरमा के द्वारा Opinion दाखिल किया गया जो निम्न है:-

1. That the petitioner has preferred the instant case on being aggrieved and dissatisfied with the order of learned S.D.O. Koderma who canceled the PDS License of the petitioner. That D.S.O. held an enquiry on 25.05.2017 and found that the name of the Beneficiaries was not mentioned on notice board, in front of the shop.
2. That learned D.S.O. demanded a show cause from the petitioner for same and when satisfactory answer not found then the license has been cancelled.
3. That the petitioner has taken plea that she has given the board for paint and due to fasting of Vat Sawitry Pooja, she could not bring the same.
4. That the allegation is simple in nature and hence it may be considered.

C.C. No
126
11.6.18