

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई में टिप्पणी तारीख के साथ
22/09/2012	<p style="text-align: center;">Court of the District Magistrate, Saran at Chhapra</p> <p style="text-align: center;">Kamla Prasad Vrs. Govt. of Bihar</p> <p style="text-align: center;">Supply Appeal Case No. 01/2010</p>	
	<p style="text-align: center;">ORDER</p>	
	<p>The instant case has been filed by the Appellant against the impugned PDS license cancellation order passed by the learned SDO, Sadar, vide his Order Memo No. 951 dated 09.11.2009</p> <p>The Appellant's case is that his PDS license was cancelled on frivolous and false grounds.</p> <p>In brief, this case is that certain villagers had filed a complaint before the Divisional Commissioner, Saran Division, Chapra, which was enquired into by a deputy director-level officer. The enquiry report, submitted by Letter No. 637 dt. 28.11.2008, listed out many serious irregularities including the closure of shop on the day of inspection, absence of any notice board, absence of PDS dealer from the village for over 6 months, absence of any fixed trade venue, and non-distribution of essential commodities for a very long period. A show-cause notice was issued on the Appellant and the finally impugned</p>	

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cancellation order was passed.


The Appellant contends that his absence was due to the fact that he had gone to deposit unused coupons and the allegations regarding his absence, lack of a trade venue and non-distribution over 12 years are just false.

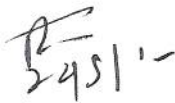
The learned Spl. P.P rebuts the contentions of the Appellant by arguing that there is no legal infirmity with the impugned order as all the rigours of law have been adhered to.

Heard both the parties and perused the record. It is quite evident from the lower court's record that none of the charges against the Appellant have been proved conclusively. The allegation regarding long absence does not stand even a moment's scrutiny for the reason that he had been getting and lifting his PDS stocks regularly prior to the inspection. There is also an apparent contradiction in the two allegations that the shop venue was not fixed and that there was no notice board at the venue.

Accordingly, the impugned order is legally unsustainable, and the same is quashed, thereby, reviving the license.

Dictated and corrected


(Vinay Kumar)
District Magistrate
Saran, Chapra


(Vinay Kumar)
District Magistrate
Saran, Chapra