



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 19th OF SEPTEMBER, 2024
WRIT PETITION No. 26167 of 2024
RAJKUMAR DUBEY
Versus
*THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:

Shri Shyam Yadav- Advocate for petitioner.

Shri Swapnil Ganguly- Deputy Advocate General for the respondents/State.

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:-

“(a) That, the Hon’ble Court may kindly be pleased to issue the writ of certiorari & set-aside the order dated 03/12/2021 (Annexure-P-3), and impugned order dated 24/06/2024 (Annexure-P-4) in the interest of justice.

(b) That, the Hon’ble court may kindly be issue writ of mandamus concern respondent authority to permitted the petitioner for regulate the fare price shop of village Kalyanpur, in the interest of justice.

(c) Any other relief/order, which this Hon’ble court deemed fit looking to the facts and circumstances of the case in the end of justice.”

2. It is submitted by counsel for petitioner that petitioner was working as a Salesman in Government Fair Price Shop, Village Kalyanpur. A complaint was made with regard to irregularities in



handling of the Fair Price Shop. Accordingly, an inspection was carried out on 29.09.2021 and certain irregularities were found and accordingly a show cause notice dated 05.10.2021 was issued by SDO (Revenue), Ajaygarh, District Panna on the allegations that 61.41 quintal of Wheat, 13.60 quintal of Rice, 22 kg. of Sugar, 2.69 quintal of Salt and 7.97 quintal of Millets, total worth Rs.2,42,511.62/- was found short. The Stock Price Board was also not found in the Fair Price Shop. Even the beneficiaries have informed that less *Rashan* is being given and the receipt of POS Machine is also not being given. Accordingly, the petitioner was called upon to show cause as to why he should not be removed from the post of Salesman and as to why the authority to operate the Fair Price Shop may not be cancelled. He was also called upon to explain as to why an amount of Rs. 2,42,511.62/- may not be recovered and why he may not be criminally prosecuted.

3. The petitioner filed his reply and denied the allegations. It was submitted that receipt is being issued to the customers. It was further pleaded that since the Board was damaged, therefore, a banner was affixed in its place. It was further stated that the stock register is being physically verified by Nodal Officer as well as the Secretary. He also stated that there is a difference in the stock as mentioned in the POS Machine as per the physical stock. It was submitted that earlier the excessive stock was uploaded in the POS Machine and on the basis of verbal instructions given by the authorities, the offline distribution of *Rashan* was done. During the Covid-19 Pandemic verbal instructions were given to distribute the *Rashan* on offline basis and thus it could not



be uploaded in the POS Machine. Accordingly, it was submitted that no illegalities were committed by petitioner.

4. The reply submitted by the petitioner did not find favour and accordingly the SDO (Revenue), Ajaygarh, District Panna by its order dated 03.12.2021 suspended the Fair Price Shop and attached with Government Fair Price Shop, Village Pratappur being operated by Government Krishi Shakh Sahkari Samiti Maryadit, Taroni and it was also directed that an amount of Rs.2,42,512/- be recovered jointly from the Salesman/petitioner as well as the *Samiti Prabandhak* Shri Chandrabhan Chourasiya.

5. Being aggrieved by the said order, the petitioner preferred an appeal, which too has been dismissed by Collector, District Panna by order dated 24.06.2024 passed in Case No. 12/Appeal/2021-22.

6. Challenging the orders passed by authorities below, it is submitted by counsel for petitioner that during Covid-19 Pandemic, verbal directions were given to distribute the *Rashan* on offline basis and, therefore, the *Rashan* which was distributed during the Covid-19 Pandemic could not be uploaded properly on the POS Machine and accordingly, there was some discrepancy in the stock reflected in the POS Machine as well as the actual stock found on the physical verification.

7. Heard learned counsel for the petitioner.

8. The petitioner has not filed any document to show that what were the instructions given to the Salesman during Covid-19 Pandemic. Furthermore, the shop was physically verified on 29.09.2021 i.e. after the Covid-19 Pandemic was almost over. The Collector in its order has



specifically referred to the order dated 21.03.2020 issued by Director, Food Civil Supplies and Consumer Protection Directorate by which a direction was given that *Rashan* be distributed through POS Machine and only in those cases where the customers could not get the *Rashan* by Bio Metric verification, then the *Rashan* can be distributed/supplied to them by the Salesman by his own Bio Metric verification or on the verification by the Regional Assistant Supply Officer/Junior Supply Officer. Even the Collector, Panna has mentioned that no other document has been filed by the petitioner to show that he was authorized to distribute the *Rashan* by offline mode. Even no such document has been placed by the petitioner before this Court. Under these circumstances, it is clear that on physical verification, the stock worth Rs.2,42,511.62/- was found less.

9. Counsel for petitioner could not point out any perversity in the concurrent findings of fact recorded by the authorities below. Once, both the authorities below have come to a conclusion that petitioner was involved in black marketing, then no sympathetic view can be adopted in favour of the petitioner.

10. Accordingly, no case is made out warranting interference.

11. The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

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