

Case :- WRIT - C No. - 15642 of 2020

Petitioner :- Awadhesh Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vibhu Rai, Abhinav Gaur, Abhishek Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

In compliance of order dated 8.10.2020, the Principal Secretary, Food & Civil Supply Department, Lucknow has filed her personal affidavit in which effort has been made to explain how the petitioner was involved in the alleged fraud in distribution of the schedule commodities to ineligible persons.

After going through the said affidavit, the Court finds that - (a) it is clearly admitted therein that the seeding of Adhar number of the beneficiary is possible only through the login provided by NIC to the District Supply Officer. It is clear from the same that only persons having access to the login ID can modify the data in the servers. It is also admitted that only Supply Inspector and Computer Operator have access to it. It has not been explained how the fair price shop dealer can have access to the server.

(b) It is alleged that in case of the petitioner, it was found that schedule commodities meant for 311 ration card holders had been distributed to holders of two Adhar card only. It has been inferred that the same was not possible without the petitioner being in collusion with those responsible for the fraud. It has also been alleged that the petitioner had black-marketed the "ration of 311 card holders with the connivance of login operators". It is admitted that the entire matter is under investigation by the Cyber Crime and 458 cases have been registered in the entire State so far. After investigation, charge

sheets have been submitted in 128 cases and final report in 7 cases. Whereas other cases are still pending at the stage of investigation. The matter relating to the petitioner is also under investigation. In such circumstances, what was evidence in possession of the respondents in proceeding to cancel the licence of the petitioner, has not been disclosed nor brought on record .

(c) It is also alleged that without consent and involvement of the petitioner, distribution of ration through E-POS machine against two Adhar cards in respect of 311 ration card holders was not possible. How the system works and how the petitioner was involved, has also not been explained.

Learned standing counsel seeks further time to clarify the above aspects.

Counsel for the petitioner also prays for time to file affidavit in rebuttal.

Accordingly, matter is adjourned.

List on 4.11.2020 alongwith the connected matters.

In the meantime, the Principal Secretary, Food and Civil Supply Department, U.P., Lucknow shall examine the above aspects and file a detailed affidavit clarifying the same.

In the affidavit to be filed, the factual aspects in relation to other connected cases shall also be clarified.

(Manoj Kumar Gupta, J.)

Order Date :- 22.10.2020

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