

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3327 OF 2015

VITTHAL BABURAO GANGURDE
VERSUS
UNION OF INDIA AND ANOTHER

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Advocate for Petitioner : Mr. Shinde Chandrakant K.
ASG for Respondent No.1: Mr. S.B. Deshpande
Advocate for Respondent No.2 : Mr. A.P. Bhandari

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th APRIL, 2015

P.C. :-

1. The petitioner is seeking writ of certiorari or any other appropriate writ or order, for quashment of letter dated 27.1.2015 issued by respondent No.2 i.e. Indian Oil Corporation Limited, thereby cancelling the Letter of Intent issued on 4.3.2002 for running L.P.G. distributorship under Marketing plan 1994-1996 (urban). The distributorship under the scheme was required to be awarded to the persons belonging to S.C., S.T., Defence category candidates and physically handicapped category candidates at certain locations. The petitioner had tendered an application from S.C. category and was selected by the petroleum company.

2. The petitioner contends that although Letter of Intent was

issued on 4.3.2002, the process of allotment of distributorship was under scrutiny of the Hon'ble Supreme Court in special leave petition presented questioning the process. The committee constituted has approved the selection of the petitioner and as such the petroleum company was permitted to continue with further process.

3. The petitioner, time and again, was directed to tender his resignation and submit proof thereof to the petroleum company so that the proposal tendered by the petitioner can be finalized. The petitioner contends that there were several impediments created mostly at the instance of the petroleum company, which impeded him to take further steps. Even assuming that the contentions raised by the petitioner in the instant writ petition are correct, the petitioner was time and again directed to tender resignation and submit proof of acceptance thereof on several occasions since 28.3.2011. However, the petitioner did not take steps as directed by the petroleum company till the issuance of impugned Letter of withdrawal of Letters of Intent. There is specific condition incorporated in the Letter of Intent dated 4.3.2002, necessitating the employees functioning with the Government/ Municipal or local bodies to tender resignation from employment and submit proof of acceptance of resignation. Since the date of issuance of Letter of Intent i.e. 4.3.2002 till 17.1.2015, the petitioner continued to serve with the State Government and did not

tender his resignation.

4. It is now disclosed by the petitioner that the petitioner has tendered application seeking voluntary retirement. It does appear that the stand of the petitioner is dishonest for the reason that he continued in employment since 2002 and until he reached the stage making him eligible for taking benefits of voluntary retirement policy, tendered an application to the employer, in the year 2013. In the circumstances, no indulgence need be shown to the petitioner in exercise of extra ordinary writ jurisdiction under Article 226 of the Constitution of India.

5. It is to be noted that the schemes floated by the Government undertakings/Government Companies and Corporations, including the opportunities of appointment as dealer, shall be primarily aimed at extending the benefits in favour of unemployed class. The Government owned Companies/Corporations are not expected to extend the benefits which are primarily aimed at extending aid to unemployed class to such other class which is already receiving benefits of employment. It is not debatable that in this country the problem of unemployment is a matter of serious concern. We expect that the Government owned Companies/Corporations as well as the other public sector companies to re-frame their policy in such a

manner that the benefits are extended to unemployed class.

6. For the reasons recorded above, no interference is called for in the petition. The petition is devoid of substance and hence stands rejected.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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