

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.6194 OF 2014

L. Somasundram

...Petitioner

Vs

1. Union of India,
represented by its
Secretary to Government,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi 110 001.
2. The Chief Area Manager,
Indian Oil Corporation,
Indane Area Office:
8/1079, Avinashi Road,
Coimbatore 641 018.
3. K. Praveen Kumar
(R3 impleaded vide order
dated 12.8.2015 in
M.P.No.1 of 2015)

...Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent herein made in Letter No.CBEAO: RGGLV/2013 - 2014 FVC dated 15.11.2013 and quash the same and direct the respondents to allot the LPG distributorship for Avalpoondurai Village, Erode District to the petitioner herein.

For Petitioner : Mr.G. Devadoss

For Respondents : Mr.Su.Srinivasan,
Assistant Solicitor
General of India (R1)
Mr. R. Ravi for R2
Mr. I.C.Vasudevan for R3

ORDER

The petitioner has filed this present writ petition praying for issuance of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent herein made in Letter No.CBEAO: RGGLV/2013 - HFVC dated 15.11.2013 and quash the same and direct the respondents to allot the LPG distributorship for Avalpoondurai Village, Erode District to the petitioner herein.

2. Heard the learned counsel for the petitioner and the learned Asst. Solicitor General of India appearing for R1 and learned Government Advocate appearing for 2nd Respondent and the learned counsel appearing for R3.

3. For the LPG dealership under the Rajiv Gandhi Gramin LPG Vitak Scheme, an advertisement was made under open category. Out of 21 applications, 14 were found to be eligible for draw. In the "Draw of Lots" the petitioner was selected for the distributorship. As per the Standard Application Format, clause 10 deals with a successful applicant will have to show the amount in Savings Bank Account. The note attached to the said clause says as follows;

"Note: The amount declared above in each case must be available as closing balance on the last date for submission of application as specified in the advertisement or corrigendum (if any) and the same will be verified during Field Verification."

4. Clause 11 of Standard Application Format deals with fixed deposits/NSC/Shares/MF etc., in the name of applicant and the members of 'Family Unit'.

5. As per the procedure, a Field Verification of Credentials of the candidates was done. Unfortunately, on the last date of

submission of application - 5.7.2013, it was found that the petitioner was having only a sum of Rs.2,99,186.72 as against Rs.4,56,491.72/- quoted by him in the said application. Clause 11 of the said application which requires the details of Fixed deposit/NSC/Shares/MF standing in the name of applicant was also filled up by the petitioner as "not applicable". Thus the respondents having found the violations of the conditions stipulated in the standard application form with reference to column 10, has rejected the candidature of the petitioner vide its Letter CBE AO:RGGLV:2013-14:FVC dated 15.11.2013.

6. It is seen that though the order was passed on 15.11.2013, the petitioner filed Writ Petition somewhat subsequently. In the meanwhile, the 3rd respondent herein has been selected for distributorship and Field Verification was done and now the situation is at the level of issuing letter of indent to the 'selected candidate'.

7. In view of the submission made above, this Court is unable to come to the help of this petitioner as the petitioner is governed by column 10 of the Standard Application Format referred above. There is no dispute on the fact that as on the last date of the submission of application, the same amount as mentioned in column 10 of Standard Application Format should be available in the account of the applicant. Since the petitioner herein has violated the above said condition, his candidature was rightly rejected by the 2nd respondent. Hence, this Court cannot help the petitioner, who cannot help himself, but to rue the error committed by him. This writ petition is dismissed. No costs. Consequently, the connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msr

WEB COPY

To

1. The Secretary to Government,
Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi 110 001.

2. The Chief Area Manager,
Indian Oil Corporation,
Indane Area Office:
8/1079, Avinashi Road,
Coimbatore 641 018.

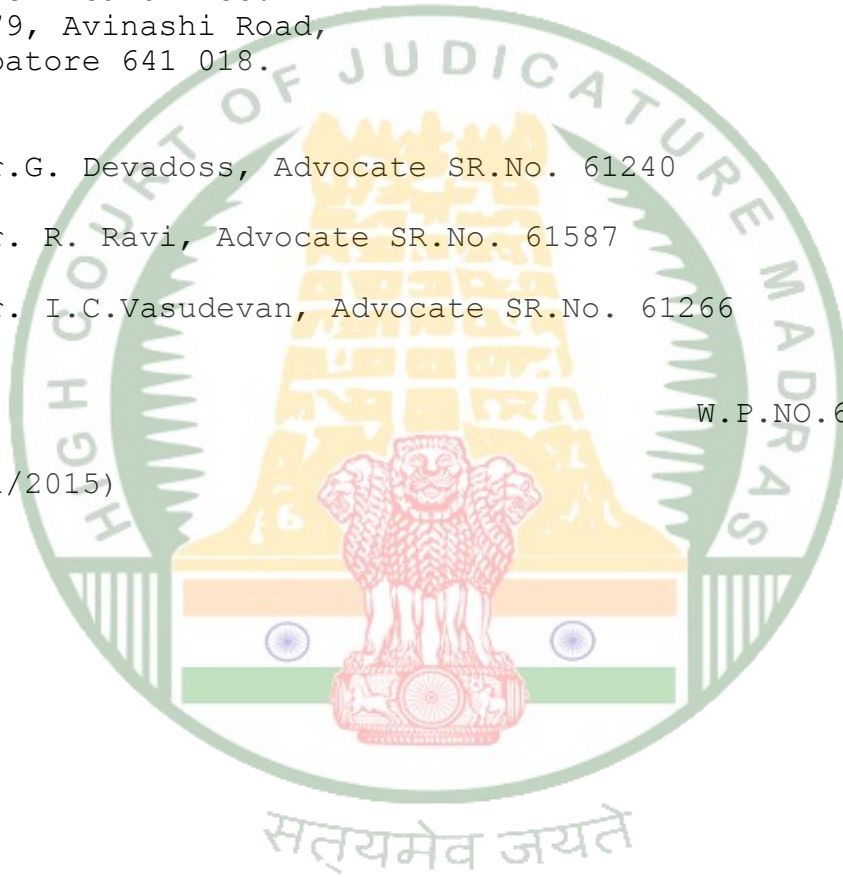
1 CC to Mr.G. Devadoss, Advocate SR.No. 61240

1 CC to Mr. R. Ravi, Advocate SR.No. 61587

1 CC to Mr. I.C.Vasudevan, Advocate SR.No. 61266

W.P.NO.6194 OF 2014

VGI (CO)
PSI (26/11/2015)



WEB COPY