

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.8.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION NO.30435 OF 2012

P.Pandi

.. Petitioner

vs.

1.The Senior Regional Manager,
Hindustan Petroleum Corpn. Ltd.,
Chennai.

2.Raghavan

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to conduct enquiry, with regard to conducting the draw of lots, for appointment of gas agency, in Vannikonandal area by perusal of video coverage and consequently direct the 1st respondent to conduct fresh draw for appointment of gas agency for Vannikonandal area.

For petitioner : Mr.C.Prakasam

For respondents : Mr.S.Swaminathan for
M/s.Span Associates for R.1
Mr.N.Damodaran for R.2

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner has filed the present Writ Petition praying that this Court may be pleased to direct the 1st respondent to conduct an enquiry, with regard to the conduct of the 'Draw of Lots', for the appointment of the Gas Agency Distributorship, under Rajiv Gandhi Gramin LPG Vitrak Yojana Scheme.

3. The main contention of the learned counsel appearing on behalf of the petitioner is that the 'Draw of Lots' system, followed by the 1st respondent, under Rajiv Gandhi Gramin LPG Vitrak Yojana Scheme, had not been followed, as per the provisions of the Scheme Brochure, and therefore, the allotment of the gas distributorship, to the 2nd respondent, is erroneous and invalid in the eye of law.

4. A counter affidavit, dated 26.2.2013, had been filed on behalf of the 1st respondent. Paragraph Nos.4 to 6 of the said counter affidavit, read as follows:-

"4. I submit that as per the scheme envisaged by the Union of India, due consideration has also been given for caste based reservation and the mode of selection has also been defined. In Clause 12.7 of the Scheme brochure which deals with selection process it is stated -

"12.7 - All token numbers will be put in an empty box in the presence of the candidates, the officials of the Company and the invited guest from amongst local MP, MLA, Zilla Parishad, Panchayat Samiti Chairman, Sarpanch, Revenue officials etc. However, a quorum comprising of at least 50% of the candidates [whose names are there in the draw] and the concerned company officials could be sufficient to proceed with the draw of lots. The proceeding of the draw will be video graphed."

5. I submit that the Oil Marketing Companies [OMC] had called for advertisement for LPG distributorship under Rajiv Gandhi Gramin LPG Vitrak Yojana [RGGLVY] at various locations in Tamil Nadu and Pondicherry vide advertisement in Dinakaran newspaper on 28/12/2011. The last date for submission of applications was 31/01/2012 and the petitioner herein had applied for RGGLV location Vannikonenthal, Tirunelveli district under Open Category [OC]. Hindustan Petroleum Corporation Limited had issued call letters dated 15/10/2012 to all eligible candidates to attend the draw on 26/10/2012 at the Hindustan Petroleum Corporation Ltd's LPG Bottling Plant, Madurai.

6. I submit that as per the RGGLV selection guidelines the selected participant applicants' names with serial numbers were printed in paper tokens separately. The draw was held in a very transparent manner and the selected candidate's token was picked by Mr. John Samuel, District Supply Officer, Dindigul District in the presence of District Revenue Officer, Madurai, District Supply Officer, Virudhunagar and District Supply Officer, Madurai in front of all the participants of the draw and the selected candidate's name was displayed to the participants and hence the allegation by the petitioner is malafide. The complete process of draw of lots and selection of candidates was video graphed as per the guidelines, for reference and record purposes."

5. The learned counsel appearing on behalf of the 1st respondent had also submitted that Clause 12.7 of the Scheme Brochure, relating to Rajiv Gandhi Gramin LPG Vitrak Yojana Scheme, had been strictly followed and that the 2nd respondent had been allotted the Gas Distributorship, after the 'Draw of Lots'. Thereafter, the result of

the allotment had been declared and the 2nd respondent had been selected for the Gas Distributorship. Thus, the allegations made by the petitioner, in the affidavit filed in support of the Writ Petition, are not sustainable.

6. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, and on a perusal of the records available, it is found that the 1st respondent had followed the procedures prescribed in Clause 12.7 of the Scheme Brochure of Rajiv Gandhi Gramin LPG Vitrak Yojana Scheme. Paragraphs 4 to 6 of the counter affidavit filed on behalf of the 1st respondent make it clear that necessary procedures had been followed in the allotment of the Gas Distributorship, to the 2nd respondent. In such circumstances, the allegations made by the petitioner, in the affidavit filed in support of the Writ Petition, cannot be accepted.

7. In the result, the Writ Petition stands dismissed, as it is devoid of merits. No costs. M.P.No.1 of 2012 and M.P.No.1 of 2015 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gs.

To

1.The Senior Regional Manager,
Hindustan Petroleum Corpn. Ltd.,
Chennai.

+1cc to Mr.Span Associate, Advocate, S.R.No.42834
+1cc to Mr.N. Damodaran, Advocate, S.R.No.43085
+ 1 cc to Mr.C. Prakasam, Advocate SR.43147

RSI (CO)
EU(08/09/2015)

W.P. 30435 of 2012