

CWP No.22471 of 2011

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.22471 of 2011
Date of decision:27.08.2015**

Gursharan Singh

...Petitioner

Versus

Hindustan Petroleum Corporation Limited and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.B.Gautam, Advocate,
for the petitioner.

Mr. G.S.Jaswal, Advocate,
for respondents No.1 and 2.

Mr. Rakesh Gupta, Advocate,
for respondent No.3.

Rakesh Kumar Jain, J.

The petitioner has alleged that he along with respondent No.3 had applied to the Hindustan Petroleum Corporation Limited (hereinafter referred to as the “respondent-Corporation”) for allotment of a petrol pump retail outlet at village They-Butana on Guhla Kharkan Road, District Kaithal, Haryana, in the year 2010. The interview was held on 04.02.2011 at Panipat. Thereafter, the Committee awarded marks to the petitioner and respondent No.3 under different heads, in which respondent No.3 had an edge over the petitioner. It is alleged that after declaration of the result, the petitioner learnt that respondent No.3 has fraudulently obtained the

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dealership by furnishing false information. It is alleged that respondent No.3 was a regular student of LL.B. in the University of Rajasthan, therefore, his experience certificate showing that he worked as a Supervisor at Guru Nanak Filling Station, Kharkan Guhla Road, village Kharkan, District Kaithal, Haryana, was false because he had completed 75% minimum attendance in his L.LB. course. The petitioner, thus, challenged the selection of respondent No.3 on the ground of false information furnished by him as it is provided in condition No.21 of the petrol pump outlet retail dealership that if any information furnished by the applicant is found to be false at any point of time before or after appointment as a dealer or conceals any information which, if declared, would have made him/her ineligible for dealership, the allotment shall be cancelled forthwith. The petitioner has also challenged the communication dated 14.07.2011 made by respondent-Corporation to him about its satisfaction in selecting respondent No.3.

The respondent-Corporation, in its reply, attached the statement of performance of both the candidates as Annexure R-1/1, as per which respondent No.3 had secured 88.95% marks, whereas the petitioner had secured 75.75% marks. Both the parties were interviewed by a Committee of 3 members having the designation of Chief Manager-NWP, Manager-RE-MIS and Manager-RU of the respondent-Corporation.

The only allegation of the petitioner is that if respondent No.3 was doing law at Jaipur, then how he could had the experience of working on a petrol pump.

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In this regard, counsel for respondent No.3 has submitted that as per the criteria, the candidate was required to have an experience in retail of petroleum products in a supervisory capacity of one year or more than one year and since the father of respondent No.3 is owning a retail outlet of a different Oil Company at Kharka (Kaithal) since 2005, therefore, the respondent No.3, being his son, was always helping his father in the management of the outlet and he was fully responsible for the entire supervisory work including the promotion of sales etc. It is also submitted that respondent No.3 was not required to remain at the petrol pump on each and every day to gain the experience in the supervisory capacity.

I have heard learned counsel for the parties and perused the available record.

Respondent No.3 has also placed on record a certificate issued by the Principal, Sanjay college of Law, Jaipur, wherein it is certified that in the session 2007-2008 of LL.B. 2nd year, respondent No.3 had attended classes for 96 days out of 105 working days and during the session 2008-2009 of LL.B. 3rd year, he had attended the classes for 98 days out of 112 working days. Since father of respondent No.3 is already having another retail outlet in Kaithal, though of another Oil Company, therefore, respondent No.3 had an opportunity to supervise the sales and promotions of the said retail outlet, while assisting his father and has gained the experience which has been thoroughly verified by the respondent-Corporation before he was adjudged as a better candidate than the petitioner.

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Thus, in view of the aforesaid facts and circumstances, there is hardly any reason for this Court to interfere in the present writ petition. Consequently, the same is hereby dismissed, though without any order as to costs.

August 27, 2015
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(Rakesh Kumar Jain)
Judge