

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

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THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.870 of 2016
and CMP.Nos.11250 and 11251 of 2016

P.Perumal ... Appellant/Petitioner
vs.

1.Union of India represented by its
Secretary to Government of India,
Ministry of Petroleum & Natural Gas
Government of India, Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 011.

2.State Level Coordinator,
IOCL, BPCL & HPCL Tamil Nadu &
Puducherry (UT)
Indian Oil Corporation Ltd,
Indian Oil Bhavan,
Nungambakkam, Chennai- 600 034.

3.M/s.Indian Oil Corporation Ltd.
rep. by its Chairman,
3079/3, Sadiq Nagar, JB Tito Marg,
New Delhi - 110 049.

4.M/s.Bharat Petroleum Corporation Ltd,
rep. by its Chairman & Managing Director,
Bharat Bhavan,
No.26, Currimbhoy Road,
Ballard Estate, Mumbai - 400 001.

5.M/s.Hindustan Petroleum
Corporation Ltd,
rep. by its Chairman &
Managing Director,
No.17, Jamshed Tata Road,
Mumbai - 400 020.

... Respondents/Respondent

Writ Appeal filed under Clause XV of the Letters Patent Act against the interim order dated 17.06.2016 made in WMP. No.17652 of 2016 in WP.No.20551 of 2016 passed by the learned single judge of this Court.

Prayer in WMP.17652 of 2016: to issue interim stay of all further proceedings pursuant in the 4th respondent advertisement dated on .8.6.2016 published in 'Dhina Thanthi'daily newspaper.

Prayer in WP.20551 of 2016: Writ petition filed under Article 226 of the constitution of India to issue a writ of certiorarified Mandamus callaing for the records of the 4th respondent herein relating to the advertisement dated 8.6.2016 published in Dhina Thanthi daily newspaper and quash the serve and consequently direct the respondents to notified the location in due of 3% reservation for physically handicapped persons and also provided by the respondents as followed in the past and future selections.

For Appellant : Mr.K.Rajendra Prasad
For R4 : Mr.M.Vijayan for M/s.King & Partridge

JUDGMENT

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Being aggrieved over the interim order passed by the learned Single Judge of this Court, the writ petitioner is before this Court with the present writ appeal.

2. According to the case of the appellant, he is a physically handicapped person. The respondents are wholly owned by the Government of India Undertaking and have been carrying on business in production, distribution and sales of petroleum and natural gas products. While so, the fourth respondent published an advertisement in a newspaper viz., 'Dhina Thanthi' on 08.06.2016, fixing the draw a lot on 13.06.2016 and 15.06.2016 without notifying the location and also not specifying the places for physically challenged person. It is the grievance of the appellant that in the said advertisement, the respondents have not followed the reservation policy and they have reduced the reservation meant for the physically handicapped persons from 5% to 1%. Due to the same, the persons as like that of the appellant, have become ineligible and the objective of the Government to reserve 3% reservation for the physically challenged may not be fulfilled and equitably distributed even among economically poor and weaker section. Therefore, the appellant challenged the said advertisement by way of WP.No.20551 of 2016, wherein, the learned single judge by order dated 17.06.2016, has passed the following interim order:-

"...Finalization of the process in connection with the impugned advertisement/notification is subject to the result of these writ petitions."

Not satisfying with the interim order so passed, the appellant has filed the present writ appeal.

3. Heard both sides and perused the available materials.

4. Though the learned counsel for the appellant has raised very many contentions in support of the relief sought for herein, we are of the view that the same need not be gone into in this writ appeal, as the issue involved herein is already pending decision before the learned Single Judge. Therefore, we are not inclined to grant any relief to the appellant. However, it is open to the appellant to raise all the contentions available to him in the writ petitions pending before the learned Single Judge of this Court.

5. With the above observation, the writ appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government of India, Union of India,
Ministry of Petroleum & Natural Gas
Government of India, Shastri Bhavan,
Dr. Rajendra Prasad Road,
New Delhi - 110 011.

2. State Level Coordinator,
IOCL, BPCL & HPCL Tamil Nadu & Puducherry (UT),
Indian Oil Corporation Ltd, Indian Oil Bhavan,
Nungambakkam, Chennai- 600 034.

3. The Chairman, Indian Oil Corporation Ltd.
3079/3, Sadiq Nagar, JB Tito Marg,
New Delhi - 110 049.

4. Chairman & Managing Director,
M/s. Bharat Petroleum Corporation Ltd,

Bharat Bhavan,
No.26, Currimbhoy Road,
Ballard Estate, Mumbai - 400 001.

5. Chairman & Managing Director,
M/s.Hindustan Petroleum
Corporation Ltd,
No.17, Jamshed Tata Road,
Mumbai - 400 020.

+ 1 cc to Mr. K. Rajendraprasad, Advocate Sr.40018

W.A.No.870 of 2016

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