

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.23341 OF 2011**

**ORDER:**

This writ petition is filed seeking to declare the action of the fourth respondent in not disposing the grievance application of the petitioner dated 17.03.2011 against the selection procedure held by respondent Nos.2 and 3, as per clause 19 of the Guidelines for Selection of Retail Outlet Dealers (for short, "Guidelines") laid by the Hindustan Petroleum Corporation Limited, as illegal and arbitrary.

2. The facts, which are admitted and undisputed, are that pursuant to the notification issued for Retail Outlet Dealership at Vadamalapeta to Gajulamandyam on NH-205 New Road, Chittoor District, two candidates applied viz., petitioner and one Smt.Sravani, of which Sravani, who secured 73.31% of marks, was selected based on various parameters, pursuant to the interview conducted on 25.09.2009. Thereafter petitioner, who secured 24.30% of marks, made several representations dated 25.10.2010, 15.06.2010 and 25.09.2010 complaining marks having not been given to her on various grounds. As there is no response from the respondent authorities, petitioner has approached this Court by filing W.P.No.3763 of 2011 and the same was disposed of by order dated 18.02.2011. Immediately after the disposal of the said writ petition, petitioner filed a

representation on 17.03.2011 and the same has not been considered even today. Hence, the writ petition.

3. Sri S.V.Muni Reddy, learned counsel for the petitioner, seeks that a direction may be issued to the respondent authorities to consider the representation of the petitioner dated 17.03.2011 and appropriate orders be passed thereon.

4. Learned counsel appearing for the respondents filed counter affidavit stating that in terms of Clause 19 of the Guidelines, the complaint of any aggrieved person is required to be filed only within 30 days from the date of publication of the results of the interview to the grievance cell. Clause 19(a) of the Guidelines reads as under:

“19. Grievance/Complaint Redressal System:

(a) An aggrieved person may send his/her complaint to the oil company at the address of the customer service cell displayed at the nearest reetail outlet of the concerned oil company. Complaints can also be lodged on the website of the oil company. No complaints against dealer selection will be entertained after 30 days from the date of publication of the result of the interview under any circumstances. Pending disposal of complaints, issuance of LOI shall be kept in abeyance. Disposal of complaints shallbe as per established complaint redressal system as specified herein below.

- i. Anonymous/pseudonymous complaints will not be investigated.
- ii. On receipt of a complaint, a letter will be sent by the HPCL to the complainant through Registered Post asking

the complainant to submit details of allegation with a view of prima facie substantiate the allegations along with supporting documents, if any, within 30 days. The complainant will be clearly advised that the oil company will examine the complaint and if it is established that the complaint does not have any substance, he/she will be liable for legal action. The oil company will examine response of the complainant and if it is found that the complaint does not have specific and verifiable allegations, the same will be filed."

5. Inasmuch as the petitioner's complaint having been made on 17.03.2011, which is beyond the prescribed time limit, there is no obligation on the part of the respondents to consider the same. At any rate, the selected candidate was given work order and at this point of time there is no question of considering the grievance of the petitioner. Learned counsel for the petitioner submits that as a matter of fact, as on date, no petrol pump was established by Smt.Sravani and, as such, the grievance of the petitioner can be considered.

6. Having considered the respective submissions, it has to be seen as to whether a direction is to be given to the respondent authorities to consider the representation of the petitioner dated 17.3.2011 or not.

7. Admittedly, there is no challenge to the Guideline No.19, wherein 30 days time has been prescribed for submitting the grievance. In the Corporation's letter dated 31.12.2010 addressed to the petitioner, which the petitioner has filed in the material documents,

it was categorically asserted that the selection results along with the list was displaced at their office notice board as well as in the Corporate Website immediately after the interview. The interview was completed in the month of September, 2009 and even in the letter dated 15.06.2010 petitioner assumed that he has been selected and sought orders at the earliest.

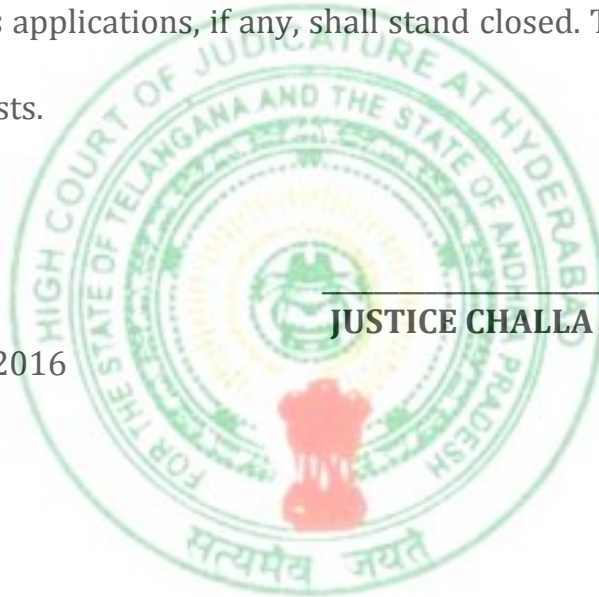
8. Earlier, petitioner has also filed writ petition questioning the selection of Smt. Sravani in W.P.No.3763 of 2011 and this Court did not interfere with the same and disposed of the writ petition observing that it would always be open for the petitioner to apply as and when fresh notification is issued by the respondent-Corporation. This observation was made on the submission made by the respective counsel that Smt.Sravani did not establish the petrol pump though she was selected.

9. In the light of the said observation, as and when the respondent authorities issue fresh notification, petitioner always would be entitled to apply for the same and subject to her fulfilling the conditions stipulated under the notification, her case would be considered. So far as the relief of directing the respondents to consider the representation dated 17.03.2011 is concerned, the same is having been made, after the prescribed time, this court is not inclined to make such order especially after a lapse of seven years from the date of selection process. It may also be noticed that Clause 19 itself states that in the event, the respondent Corporation does not find the complaint to

be worthy of consideration, the applicant is liable for legal action. In other words, no response as such is envisaged from the respondent Corporation's grievance cell. Even for that reason, this court is not inclined to direct the respondents to consider the grievance as espoused through letter dated 17.03.2011.

Subject to the liberty given to the petitioner to apply as and when a fresh notification is issued, which shall be considered in accordance with law, the Writ Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

November 2, 2016  
LMV



**JUSTICE CHALLA KODANDA RAM**