

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

**CWP No.1989 of 2013
Decided on :07.11.2016**

Harmesh Singh Jassi

... Petitioner

Versus

Central Information Commission and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondents No.2 and 3.

None for respondents No.4 and 5.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the quashing of the order dated 06.09.2012 (Annexure P-8), whereby respondent No.1-Commission has directed the CPIO of the Indian Oil Corporation Limited (for short the 'Corporation') to make fresh efforts to trace out and provide copies of the record, if not traced out. Similarly challenge has also been raised to the order dated 18.11.2011 (Annexure P-5), whereby the First Appellate Authority of the said Corporation rejected the appeal on the ground that the information sought was pertaining to the pending Court case and was only being sought to strengthen the pending Court case and was exempted from disclosure. Challenge has also been raised to the order dated 05.10.2011 (Annexure P-2), wherein on account of documents being 23 to 26 years old it was held that they not available in the records of the Corporation.

Perusal of the application dated 10.09.2011 (Annexure P-1)

would go on to show that dispute pertains to seeking information regarding the eligible candidates who had appeared for the dealership of Raikot, District Ludhiana held by the then Oil Selection Board in Chandigarh on 08.02.1985. Resultantly, information was sought for regarding the eligible candidates, ineligible candidates and for cancelling the earlier selection. Similarly, the list of eligible candidates who had appeared before the Oil Selection Board on 04.01.1988 at Ludhiana regarding the same dealership was also asked for.

The respondent-Commission noticed that the petitioner was a candidate for allotment of the dealership at Raikot, District Ludhiana in 1985 and the dealership had then been awarded to one Naresh Kumar.

It is not disputed that one Harmesh Kumar had challenged the selection in favour of the allottee by filing **CWP No.8370 of 1988**, which was dismissed on 08.12.2011 (Annexure R-2/1). It was noticed that the petrol outlet had been commissioned in the year 1989 and on such account the Court held that the preference for the residence of the same village would only arise in case the candidates had tied. The appeal was, thereafter, dismissed by the Division Bench on 24.07.2012 (Annexure R-2/3) by noticing that the irregularities as such even if assumed to be correct were not of serious nature to be taken as a sort of any illegality in the selection of the respondent No.4, the allottee.

The defence of the respondent-Board in the written statement is that at that point of time, the selection process was being conducted by the Oil Selection Board, which has been dismantled way back and,

therefore, the record is not traceable.

As noticed the litigation has already become final in favour of the allottee. The application was filed obviously during the pendency of the litigation just before the learned Single Judge decided the matter. The Division Bench has already upheld the matter. A valid and justifiable reason has been given by the respondent-Board on account of the fact the Oil Selection Board stood dismantled and the record is not traceable.

In such circumstances, this Court is of the opinion that non-supply of the information is on a valid and justifiable reason and no further directions are liable to be issued which cannot as such be enforced. Accordingly, finding no merit in the present writ petition, the same is dismissed.

NOVEMBER 07, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No