

CWP-25760-2013

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

CWP-25760-2013

Date of Decision: 08.04.2016

Prit Pal Singh

... Petitioner(s)

Versus

Indian Oil Corporation Ltd. and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. S.D.Sharma, Sr. Advocate with
Mr. Sanjiv Pandit, Advocate,
for the petitioner.

Mr. Ashish Kapoor, Advocate,
for respondent No.1.

Mr. Raman Sharma, Advocate,
for respondent No.2.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the advertisement dated 26.10.2013 (Annexure P-1) to the extent that the same is absolutely contrary to the quota fixed for the Scheduled Castes/Scheduled Tribes (for brevity, 'SC/ST') category.

Brief facts of the case are to the effect that the petitioner applied for LPG Dealership in the State of Punjab under 'SC/ST'

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category, however, he remained unsuccessful and thereafter filed the present petition on the ground that there is 22.5% reservation for the 'SC/ST' category. However, vide impugned advertisement dated 26.10.2013 (Annexure P-1), total 198 locations were advertised out of which 38 have been reserved for the 'SC/ST' category, in fact, it should have been 44, as per reservation policy of 22.5%. The impugned advertisement is contrary to the guidelines issued by respondent No.1.

In pursuance of notice of motion, respondents filed their separate written statements denying the averments made in petition. A relevant extract of para no.8 of preliminary objections of written statement of respondent No.1 reads as under:

“.... It is however stated that advertisement on industry basis has been released in the State of Punjab for a total of 198 locations out of which the total numbers of locations advertised from the earlier marketing plans and on account of terminated distributors is 29. Therefore, the total new locations advertised under the marketing plan 2013-14 is only 169. Out of these 169 locations, 38 locations have been advertised under SC/ST category for which the percentage works out to 22.5% which is i line with reservations norms prescribed in the selections guidelines and also as mentioned in the brochure.”

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

Learned counsel for the petitioner vehemently contends that

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198 locations were advertised vide impugned advertisement dated 26.10.2013 (Annexure P-1), however, adequate number of locations have not been reserved for the 'SC/ST' category as per the reservation policy and guidelines issued by the respondents. There is 22.5% reservation for the 'SC/ST' category and in this manner, 44 locations should have been reserved for the 'SC/ST' category instead of 38 as mentioned in the impugned advertisement. Learned counsel further contends that reservation should be calculated on the total number of locations advertised i.e. 198.

Per contra, learned counsel for the respondents vehemently oppose the contentions of learned counsel for the petitioner and contend that actually, 169 locations have been advertised for the marketing plan year 2013-14 and 29 locations from the previous marketing years 2011-12, 2004-07 and 1999-2000 have been advertised against the terminated locations. The benefit of reservation for those locations have been given in the relevant years. They further contend that reservation is carried out according to the locations advertised in the marketing year. In this manner, the reservation cannot be made for the locations which are of the previous years as reservation for those years were already given in the relevant years. The reservation will be only for the locations advertised for the marketing year 2013-14 and in this manner, out of 169 locations, 38 locations have been rightly given for the 'SC/ST' category. So far as the terminated advertisements are concerned, they are for the

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same category for which they have been terminated.

I have considered the rival contentions of learned counsel for the parties.

Perusal of advertisement reveals that out of 198 locations, 29 locations pertain to the previous marketing years i.e. 2011-12, 2004-07 and 1999-2000. In fact, 169 locations have been advertised for the marketing year 2013-14. Therefore, 38 locations have been correctly reserved for the 'SC/ST' category after giving 22.5% reservation. The petitioner is not entitled for the reservation against the locations of the previous marketing years as reservation for these years was given at the time of advertisement of locations in the respective years. The reservation is to be considered for the locations advertised for the year 2013-14 only which comes to 38. No reservation is permissible in the advertisement of previous marketing years and those locations will be for the categories for which the same have become vacant.

In view of above, I do not find any merit in the present petition.

Dismissed.

Costs made easy.

08.04.2016

seema/parveen kumar

(Paramjeet Singh Dhaliwal)
Judge