

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

LPA No. 1634 of 2015

DATE OF DECISION : 07.01.2016

Gursharan Singh

.... APPELLANT

Versus

Hindustan Petroleum Corporation Limited and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Vishavdeep Singh Rana, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J.

Gursharan Singh, an unsuccessful applicant for allotment of a petrol pump retail outlet at village They-Butana on Guhla Kharkan Road, District Kaithal, Haryana, has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 27.08.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 22471 of 2011) filed by the appellant challenging the result dated 04.02.2011 (Annexure P-1) making allotment of the said petrol pump retail outlet in favour of Kamaljit Pal Singh (respondent No.3 herein), has been dismissed.

The appellant challenged the aforesaid allotment on the ground that respondent No.3 furnished certain incorrect information with regard to his experience of working on a petrol pump owned by his father at Kharka,

District Kaithal. It was alleged that during the alleged period of experience, respondent No.3 was a regular student of LL.B in Sanjay College of Law, Jaipur. The learned Single Judge, while rejecting the aforesaid contention of the appellant, dismissed the writ petition while observing as under :-

“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.

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.”

After hearing learned counsel for the appellant and going through the impugned order, we do not find any ground to interfere with the impugned order.

Undisputedly, respondent No.3 secured 88.95% marks, whereas the appellant secured only 75.75% marks. These marks were awarded under

different heads by a Committee of 3 members. As far as the marks awarded under the head “Experience”, the learned Single Judge has observed that since father of respondent No.3 was already having a retail outlet at Kharka, District Kaithal, therefore, respondent No.3 being his son was gaining the experience during his study of LL.B. in Sanjay college of Law, Jaipur, where he attended the classes for 96 days out of 105 working days during the session 2007-2008 and 98 days out of 112 working days during the session 2008-2009. It has been found as a fact that the remaining period was sufficient for respondent No.3 to gain experience while assisting his father at the aforesaid retail outlet. Even otherwise, in the written statement filed on behalf of respondents No.1 and 2, it has been stated that the appellant had submitted a complaint with regard to the experience of respondent No.3 and while considering the said complaint, it was found that if the total marks allotted to respondent No.3 on the basis of his experience are deducted, even then he is found more meritorious than the appellant. Thus, we are of the opinion that respondent No.3 has been rightly allotted the dealership for the petrol pump retail outlet at village They-Butana, and we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

January 07, 2016
ndj

(HARINDER SINGH SIDHU)
JUDGE