

CWP-17481-2012

[1]

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

(Sr. No.210)

CWP-17481-2012

Date of Decision:-02.03.2017

Mohd. Isha Khan

.....Petitioner

V/S

Indian Oil Corpn. Ltd., Gurgaon and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present : Mr. Keshav Partap Singh, Advocate,
for the petitioner.

Mr. Ashish Kapoor, Advocate,
for respondent Nos.1 and 2.

Mr. Jitender Sharma, Advocate,
for respondent No.3.

M.M.S. BEDI, J. (Oral):

The petitioner has sought a writ in the nature of certiorari to challenge the order dated July 23, 2012 (Annexure P-11) by virtue of which the candidature of the petitioner had been cancelled by respondent No.2- Chief Divisional Retail Sales Manger, Indian Oil Corporation Ltd., Gurgaon, for allotment of dealership of Kisan Sewa Kendar (Retail Outlet) in village Kot on Hodal-Nuh Road, being successful candidate in the process of selection. The petitioner was held ineligible on account of having supplied the wrong information pertaining to his account and the amount which he had deposited in his account. The petitioner has been attributed act of supplying of wrong information.

Learned counsel for the petitioner has submitted that the petitioner had opened an account bearing No.14322191003787 in Oriental Bank of Commerce and got an amount of ₹9,50,000/- transferred from his

earlier existing account No.14321131000091, i.e., Friends Bhatha Company. One Mohd. Isha Khan son of Hanif also had a bank account in the aforesaid Bank with account No.14322011007216 and on account of fault on the part of the Bank officials, the amount deposited by the petitioner was wrongly deposited in the account of said Mohd. Isha Khan son of Hanif in his account No. 14322011007216. When the fault was detected, the Bank rectified the mistake and cancelled the entry in the account of aforesaid Mohd. Isha Khan son of Hanif and also cancelled the ATM card of account No. 14322011007216 issued in the name of said Mohd. Isha Khan. The certificates of the Bank have been placed on record as Annexure-P-5 to P-6 indicating the above said facts.

Learned counsel for respondents No.1 and 2 has argued that the information which was received by respondent No.3 was, on the face of it, wrong information, as such the candidature of the petitioner had rightly been cancelled.

I have heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner cannot be penalized for an error on the part of the officials of the Oriental Bank of Commerce. The Bank was responsible for wrongly crediting the sum of ₹9,50,000/- in the account of another Moh. Isha Khan, who had the similar name as that of the petitioner but different father's name, which has resulted in misunderstanding. The ineligibility has been conferred on the petitioner on wrong facts for which the petitioner cannot be penalized.

In view of such circumstances, this petition is allowed. The order dated July 23, 2012 (Annexure P-11) is hereby quashed. The

respondents No.1 and 2 will take necessary steps regarding the allotment of the dealership of Kisan Sewa Kendra to the petitioner, as per the rules and regulations, without any inordinate delay.

March 02, 2017

Pankaj

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No