

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-13978 of 2015
Decided on 26.9.2017.**

Mohit Bhatia

--Petitioner

Vs.

Indian Oil Corporation and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Vivek Khatri, Advocate,for the petitioner

Mr.Ashish Kapoor,Advocate, for the respondents

Rakesh Kumar Jain,J: (Oral)

The Indian Oil Corporation (for short, 'the Corporation') issued an advertisement dated 15.10.2010 for setting up new retail outlet/ petrol pump in various districts at various locations including location at Parbhuwala on NH-65, in District Hisar.

The petitioner also applied for the allotment of petrol pump after completing all the formalities within the time prescribed. He submitted application form on 16.11.2010. Thereafter, the corporation issued a letter dated 21.10.2011 asking the petitioner to appear for interview before the Selection Committee on 11.11.2011. There were two candidates who had qualified in the interview, namely, the petitioner and one Ajay Kumar. The petitioner secured 63.40 marks

whereas Ajay Kumar secured 80.02 marks. Thus, Ajay Kumar was at No.1 for the purpose of allotment of petrol pump. However, the petitioner made a complaint that the documents of Ajay Kumar have been wrongly read/ considered by the Corporation while awarding him more marks. Since the complaint of the petitioner was not making any headway, he filed C. W.P.No. 16695 of 2013- Mohit Bhatia Vs. Indian Oil Corporation and others which was decided on 02.8.2013, directing the Corporation to decide his representation dated 13.3.2013.

Thereafter, the complaint of the petitioner was looked into and the Corporation after re-appraisal of the documents and the factual position, came to the conclusion that none of the candidates, who had applied for the allotment of the petrol pump, was qualified as the petitioner was awarded 35.40 marks and Ajay Kumar was given 59.33 marks, whereas the qualifying marks were 60. Consequent upon the re-evaluation of all the eligible candidates, the petitioner has been declared as "Not Qualified".with 35.40 marks by the committee.

After notice was issued, the Corporation filed its reply in which it has disclosed that at the time of re-evaluation of marks given to all the candidates, it was found that the petitioner was wrongly given 63.40 marks by the Land Evaluation Committee because of existence of inter-section with M.D.R within 1000 mts from the offered site. The earlier L.E.C made an error to recognise the inter-section with MDR which is around 600 mtr. from the offered site. The earlier LEC considered the inter-section with normal road and made an error in judgment. It is also the stand taken by the respondents that the petitioner had offered the land taken on lease which was mortgaged with the S.B.I, Uklana,

whereas he was supposed to offer site as un-encumbered owned land. The averments made by the respondents in their reply has not been denied by the petitioner by way of replication.

Be that as it may, learned counsel for the petitioner has argued that at the time when the documents were considered by the committee awarding him 63.40 marks, the document of lease was also considered and no objection was taken at that time. It is also submitted that the petitioner had made averments against Ajay Kumar for giving him any marks which the respondents/Corporation has erred even in declaring the petitioner as unqualified.

On the other hand, learned counsel for the respondents has submitted that after the order was passed by this Court in CWP No. 16695 of 2013 filed by the petitioner, the entire case has been reopened and the L.E.C re-evaluated all the documents much less location etc. of the site, there was patent error on the part of the L.E.C in awarding 63.40 marks and also accepting the lease deed of the petitioner, whereas the said land was mortgaged by the land owners to the S.B.I and in support of his contention, learned counsel has relied upon a decision of this Court rendered in C.W.P.No.27878 of 2013 (Anil Kumar Vs. Indian Oil Corporation Ltd. and others) decided on 11.3.2016.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no merit in the present petition because earlier when the petitioner had challenged the method of awarding marks by the committee, the respondent/Corporation did not react, as a result thereof, the petitioner made a representation and when even the representation was not taken into consideration, the

petitioner had approached this Court by way of C.W.P.No.16695 of 2013 which was disposed of with a direction to the respondents to take decision on the representation dated 13.3. 2013 and decide the same in accordance with law. Thereafter, the Corporation had gone into the entire documents submitted by the parties concerned and also appraised the location and site and found that the land offered by the petitioner on which the retail outlet was to be installed was encumbered being mortgaged with the S.B.I. Thus, the committee has awarded 35.40 marks to the petitioner and also reduced the marks of Ajay Kumar to 59.33 which is found to be less than 60 marks. The petitioner has not denied the averments made in the written statement by the respondents by way of replication which goes against him.

Thus, in view of the aforesaid discussion, I do not find any error in the action of the respondents, declining the claim of the petitioner. Hence, the present petition is hereby dismissed being without any merit.

26.09.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.