

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

LPA No.1177 of 2017 (O&M)

Date of Decision : 01.09.2017

Rajender Kumar Kairon

....Appellant

Versus

Hindustan Petroleum Corporation Ltd.
and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

...

Present: Mr.Anil Malik, Advocate
for the appellant.

...

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the
learned Single Judge dated 17.10.2016.

The appellant participated in a selection process
intended for grant of retail outlet by the Hindustan Petroleum
Corporation Ltd.(hereinafter known as 'the Corporation'). An
advertisement for allotment of retail outlet was given out on
30.04.2010 and interview held on 10.08.2010. The candidate
placed at Sr.No.1 secured 80.4% marks while the appellant
secured 59.5% marks. The appellant made a complaint against the
person placed at Sr.No.1 on the ground that the site offered by
him did not meet the guidelines of Indian Road Congress, which
was looked into resulting in the cancellation of the candidature of

the incumbent placed at Sr.No.1. The Corporation cancelled the entire process to offer a fresh interview which has become cause of grievance to the appellant in the writ proceedings. It is contended that once the complaint was found to be correct resulting in the cancellation of candidature of the incumbent placed at Sr.No.1, the logical course for the Corporation was to select the person placed at Sr.No.2 i.e. the appellant himself. The Corporation relied on guidelines given out for the process, in particular 19(b)(ii) which is extracted herebelow :-

“(ii) Established complaint: Action will be taken as under

a) In case the selection process for a location was found to be not in accordance with the laid down guidelines resulting in wrong selection of first empanelled candidate, the merit panel will be cancelled and all the candidates who have appeared for the original interview only will be called for the re-interview.”

The learned Single Judge accepted this plea of the Corporation to acknowledge the right of the Corporation to have a fresh interview confined only to those who had been interviewed earlier. Learned counsel for the appellant refers to guideline 18(c) which is extracted herebelow :-

“18 (c) Offer of dealership and field verification

- * The dealership will be offered to the No.1 candidate in the merit panel on the basis of the interview after necessary field verification. Letter of Intent (LOI) will not be issued before 30 days from the date of publication of merit panel or till disposal of complaints if any received with regard to the selection for that location.
- * If the no.1 candidate is not found suitable/fails to full fill the terms and conditions of the award of dealership or the award is to be cancelled for any reason attributable to the candidate, the dealership will be offered to the 2nd candidate in the merit panel after necessary field verification.
- * If the 2nd candidate also fails to full fill the terms and conditions of offer or found unsuitable for any reason attributable to the candidate, then the dealership will be offered to the 3rd candidate in the merit panel.
- * If the 3rd candidate also fails to full fill the terms and conditions of offer or found unsuitable for any reason attributable to the candidate, or in case where no.2nd or 3rd candidates are available in the “merit panel” as explained above, the location may be re-advertised at

the discretion of the oil company.

* A person who has been issued the LOI would be required to full fill the terms and conditions of the same within the specified time period for speedy commissioning of the dealership.”

We are unable to accept this plea as these guidelines pertain to the process to be adopted after dealership had been awarded to a candidate and if he is unable to meet the guidelines or the terms and conditions of the order, in that eventuality the offer of dealership is to be cancelled to be awarded to the next in merit. In the case of the appellant the process was shattered at the threshold itself on the complaint made by the appellant himself. Therefore, we do not find any merit in the appeal.

Apart from this, the appeal is also barred by an inordinate delay of 189 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

01.09.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No