

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1265 of 2017

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Amit Kumar, S/o Anil Kumar Rai, Resident of Village - Tenuaj, P.S. - Natwar,
District - Rohtas.

.... Petitioner

Versus

1. The Indian Oil Corporation Limited through Chief Manager having its Registered Office at G-9, Ali Yawar Jung Marg, Bandra (East) Mumbai (Maharashtra).
2. General Manager, India Oil Corporation Limited, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dakbangla Chowk, Patna.
3. Chief Area Manager, Indian Oil Corporation Limited, 1st Floor, Shahi Bhawan, Exhibition Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Choudhary,
Mr. Jai Prakash Singh
Mr. Dharmendra Kr. Paswan, Advocates
For the Respondents : Mr. Anil Kumar Sinha,
Mr. Akash Keshav,
Mr. Abhimanyu Deo, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-01-2018

I.A. No. 1646 of 2017

The interlocutory application has been filed for amendment of the writ petition by adding the prayer for quashing of the order contained in letter dated 16.01.2017 issued by Chief Area Manager, Indian Oil Corporation (Respondent No. 3), whereby Respondent No. 3 has rejected the candidature of the petitioner for award of RGGLV at Tenuaj, District Rohtas under open category and also forfeited the amount of Rs. 20,000/- deposited by the petitioner, with the Corporation.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as



forming part of the writ petition.

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3. The present writ petition has been filed for the following reliefs –

“(i) To direct the respondents to grant further fresh time for submitting the documents required for conducting FVC of Tenuaj, Natwar Kalan, Natwar Khurd at Rohtas and issue award of Rajiv Gandhi LPG Vitrak in favour of petitioner forthwith soon after completing requisite as per respondents letter dated 30.08.2016, 10.09.2016 and 22.09.2016 since petitioner has been already selected by respondents through re-draw of lots and has already deposited pre-requisite requirement before the respondents for conducting FVC for the subject location.

(ii) To declare and hold that petitioner is eligible for distributorship pursuant to advertisement dated 28.06.2013 for the subject location for which selection of petitioner through re-draw held on 28.06.2014 and thereafter gap of more than 2 years in taking decision and communications for submission of documents by petitioner as required for conducting the FVC of Tenuaj, makes him entitled for the same after completing the due formalities.

(iii) To direct the respondents to dispose of the representation filed by petitioner by a speaking order.

(iv) To grant any other consequential relief/reliefs for which the petitioner be found entitled in the facts and circumstances of this case.”

4. Learned counsel for the petitioner submits that the petitioner was selected for Rajiv Gandhi Gramin LPG Vitrak (for short



“RGGLV”) and required to deposit 10% of security deposit i.e. Rs. 20,000/- within three days in terms of the respondent’s letter dated 30.06.2014 (Annexure-P/3), which was duly deposited on 03.07.2014. Thereafter, as evident from paragraph 7 of the counter affidavit itself, the process of selection of RGGLV was kept in abeyance from 29.04.2015 upto 09.03.2016 in terms of the Ministry’s letter dated 28.04.2015. It is further stated that a letter dated 30.08.2016 said to have been issued by the respondent-Corporation (Annexure-PR/5) required the petitioner to produce the requisite documents for conducting FVC within one week of the said letter, which was not however received by the petitioner. Subsequently, a letter dated 10.09.2016 was received from the Corporation, pursuant to which the petitioner sought one month’s time on the ground of ailment of his mother and wife. In response to yet another letter dated 22.09.2016, the petitioner again requested for some time. A representation dated 21.11.2016 was also filed before respondent nos. 2 and 3 once again seeking a week’s time for submission of the documents. No response thereto was ever received by the petitioner and instead the petitioner’s candidature was rejected in terms of the Corporation’s letter dated 16.01.2017 (Annexure-PR/7). It is therefore submitted that the Corporation ought to have considered the case of the petitioner in the backdrop of his pre-occupation in connection with treatment of ailments of his mother and wife by granting some more time to comply with the requirements for FVC, and as such, rejection of the petitioner’s



candidature is arbitrary in the facts and circumstances of the case.

5. Learned counsel for the respondent-Corporation, on the other hand, opposes the writ petition with reference to the counter affidavit stating, that repeated reminders to the petitioner yielded no result and the petitioner did not come forward for submitting the requisite documents for FVC nor ever raised any objection that the Corporation's letter dated 30.08.2016 had not been received by him. In any event, the subsequent letter of the Corporation dated 10.09.2016 once again required the submission of the documents within one week. Despite lapse of several months thereafter the documents were not furnished, leaving the Corporation with no other choice than to cancel the petitioner's candidature in terms of the impugned order dated 16.01.2017.

6. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of any merit. Despite the petitioner himself having sought one week's time to furnish the requisite documents by his letter submitted on 21.11.2016 in response to the Corporation's letter dated 22.09.2016 admittedly received by him on 10.10.2016, the petitioner still did not furnish the requisite documents even till the impugned order of rejection of his candidature was issued almost two months thereafter.

7. It may be relevant to take note of the nature of ailments of the petitioner's mother and wife on grounds of which the petitioner



has been seeking time to furnish documents. None of the prescriptions appear to disclose ailments of any serious nature. While his mother appeared to be suffering from episodic attack of palpitation, breathlessness, burning sensation in abdomen, pain in both lower limbs, his wife appeared to be consulting the doctors in connection with her pregnancy since 08.06.2016 itself.

8. Learned counsel for the petitioner has also not stated anything in the writ petition to disclose the nature of seriousness of the ailments being suffered by his mother and wife which would prevent him from taking proper steps for furnishing the requisite documents before the respondent-Corporation within time.

9. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.02.2018
Transmission Date	N.A.

