

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.A.No.512 of 2018
and
C.M.P.No.4809 of 2018

K.Rajaguru .. Appellant
Vs.

1. The Chief Area Manager,
Indian Oil Corporation Ltd.,
Indane Trichy Area Office,
B-35, Sasthri Road,
Thillai Nagar, Trichy.
2. Senthilvelan Ramalingam .. Respondents

Writ Appeal filed Clause 15 of the Letters Patent against the order dated 10.01.2018 passed by the learned Single Judge in W.P.No.487 of 2018 on the file of this Court.

Petition filed under Article 226 of the constitution of India praying for issuance of Writ of certiorarified mandamus, to call for the records of the 1st respondent pertains to the impugned appointment of LPG Distributorship- Tamilnadu and quash the same in so far as S.No.237 Srimushnam location consequently direct the 1st respondent to conduct fresh selection so far as srimushnam location, Cuddalore district under the OBC Category.

For appellant : Mr.P.R.Thiruneelakandan

JUDGMENT

(The Judgment of the Court was delivered by M.Venugopal, J)

Heard the learned counsel for the appellant. Since this Court is disposing of the Writ Appeal at the admission stage itself, we are not ordering notice to the respondents and the notice to them is dispensed with.

2. Earlier, this Court, in W.P.No.487 of 2018, filed by the appellant (as writ petitioner), by order dated 10.01.2018, while passing the impugned order, dated 10.01.2018, at paragraphs 3 and 4, the learned Single Judge has observed the following:

"3. The only grievance of the petitioner in this writ petition is that while conducting the drawal of lot by online method, the first respondent failed to note that one Karpagavalli has filed two applications and those two applications were formed as part of the drawal of lot, especially, when Rule 12 of the IOC guidelines contemplates that only one application from one applicant for one location should be submitted. In other words, it is the contention of the petitioner that because of entertaining two applications from the said Karpagavalli and allowing those two applications to form part of the drawal of lot had defeated the chance of the petitioner to get selected.

4. Upon considering the facts and circumstances and hearing the learned counsel for the petitioner and the learned counsel for the first respondent, it is evident that admittedly, the said Karpagavalli was not selected. On the other hand, the second respondent, who is totally a different person, was selected to the said location, who in turn has submitted one application only. Therefore, by such submission of two applications by the said Karpagavalli, when she was not benefited by any selection, I do not think that the petitioner can have any cause of action, against the selection of the second respondent, based on the only contention raised by him as stated supra. Therefore, this Court is of the view that this petitioner has not made out a case for entertaining this writ petition. "

Accordingly, the learned Single Judge has dismissed the Writ Petition.

3. The appellant/writ petitioner, being dis-satisfied with the impugned order of dismissal of the said Writ Petition, passed by the learned Single Judge, has focussed the present Writ Appeal before this Court by contending that the order of

dismissal of the Writ Petition is contrary to the established fact, law and the relevant Rules for allotment of LPG Distributorship, and the same is bad in law and hence, the impugned order is liable to be set aside by this Court in the interest of justice.

4. Advancing his arguments, learned counsel for the appellant contends that the learned Single Judge had failed to consider that as per the conditions for applying LPG Distributorship, if one candidate submitted multiple applications for the same location, only one application will have to be considered at the time of draw. In the appellant's case, the second respondent who was selected, applied four applications and out of total number of 60 applications, those four applications find place in S.Nos.5, 27, 29 and 60 of the list of eligible candidates for Distributorship and they are the family members of the second respondent. Apart from that, it is projected on the side of the appellant/writ petitioner that the application in S.Nos.5 and 60 are one and the same person and all the said applications were applied by the second respondent in the name of his family members, and thereby violated the selection condition.

5. In short, the contention of the learned counsel for the appellants is that the first respondent/IOC, without properly scrutinising the applications, had conducted "computer draw" and selected the second respondent, and thereby, the fair opportunity, legitimate expectation and probability of the appellant and other candidates, were deprived of, which is in violation of Article 14 of the Constitution of India. Hence, the very selection process itself is an illegal one.

6. Learned counsel for the appellant proceeds to point out that the impugned selection process in selecting the second respondent as far as IOC LPG Distributorship under OBC category in respect of Srimushnam location, is arbitrary and illegal and therefore, the selection of the second respondent as LPG Distributorship for Srimushnam location, is liable to be quashed.

7. Learned counsel for the appellant comes out with a plea that the first respondent/IOC conducted selection of LPG Distributorship in violation of Rule 12 of the guidelines and the said selection itself is arbitrary and also vitiates the impugned selection of the second respondent.

8. It is to be noted that Rule 12 of the IOC Guidelines runs as under:

"12. One application per applicant for a location: Applicants should submit only one application for one location."

9. Further, Rule 13 of the IOC Guidelines states as under:

" 13. Candidate applying for multiple locations:
A candidate can apply for more than one location.
However, in such cases, he/she will have to
submit separate application for each location.
Each application should be with the requisite
application fee."

10. Moreover, Rule 27 of the IOC Guidelines speaks of grievance/complaint redressal system, and it stipulates that the complainants will have to deposit Rs.5,000/- as complaint fees through a Demand Draft in favour of concerned OMC along with the complaint.

11. It may not be out of place for this Court to make a significant mention that in Rule 27(c) of the said IOC Guidelines, it is mentioned in crystalline fashion that the complaints received against the applicant will be investigated only if the applicant is selected in the draw. Furthermore, Clause 27(i) of the IOC Guidelines only reads as under:

"27(i): Established complaint: In case of established complaint, suitable action will be taken as per the decision and the complainant would be sent a reply accordingly. Complaint fees of Rs.5,000/- (Rupees five thousand only) remitted by the complainant shall be refunded only in case if such particular complaint leads to cancellation of candidatures of the selected candidate."

12. In the case on hand, it is not in dispute that one Karpagavali had filed two applications and those two applications formed part and parcel of the drawal of lot, more specifically when Rule 12 of the IOC Guidelines visualises that only one application from one applicant for one location, will have to be submitted. It cannot be lost sight of that the said Karpagavalli, who had filed two applications, was not selected. As a matter of fact, the second respondent herein was selected to the said location, who being a different individual and he had submitted only one application. When the said Karpagavalli was not the beneficiary in the selection process, the appellant/writ petitioner, by no stretch of imagination, can said to have any accrual of cause of action against the selection of the second respondent, and as such, this Court is of the considered view that the learned Single Judge had rightly not entertained the Writ Petition. We are also not inclined to take a different view than the one taken by the learned Single Judge in dismissing the Writ Petition. Viewed in that

perspective, the Writ Appeal fails.

13. In fine, the Writ Appeal is dismissed. No costs. Consequently, C.M.P. is closed.

CS

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To

The Chief Area Manager,
Indian Oil Corporation Ltd.,
Indane Trichy Area Office,
B-35, Sasthri Road,
Thillai Nagar, Trichy.

+1CC to Mr.P.R.Thiruneelakandan, Advocate in SR.NO. 18571/18

W.A.No.512 of 2018

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