

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

**CWP No. 13999 of 2014
Date of Decision: 23.1.2018**

Bala Devi

.....**Petitioner**

v.

Hindustan Petroleum Corporation Limited and others

.....**Respondents**

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Gaurav Mohunta, Advocate, for the petitioner

Mr. Raman Sharma, Advocate, for respondent No. 2

Mr. DPS Bajwa, Advocate, for respondent No. 5

RAKESH KUMAR JAIN, J (Oral) :

The petitioners have challenged the letter dated 4.7.2014 passed by respondent No.1 by which her candidature for the allotment of LPG Distributorship has been rejected.

In brief, the Hindustan Petroleum Corporation Limited (in short 'the HPCL') issued an advertisement for the allotment of various LPG distributorship in the State of Haryana under the Rajiv Gandhi Gramin LPG Vitrak Scheme (in short 'The Scheme'), including the locations at village Naguran, Tehsil Alewa, District Jind. The selection/appointment of the distributors is governed by the Brochure containing the eligibility criteria for selection of distributors in which Clause 4 (g) provides “applicant should own a suitable land (plot) of minimum 20 meters x 24 meters in dimension at the advertised RGGLV location for construction of LPG cylinder storage godown”. The petitioner submitted the application on

30.3.2011, in which it was specifically mentioned in Clause 9 that 'Details of land for construction of LPG godown & showroom: the land should be suitable, in contiguous plot, freely accessible through all whether motorable approach road. The plot should be free from live overhead power transmission/telephone lines. Pipelines/canals/Drainage/Nullahs/Public Roads should not pass through the plot. The land should be in advertised location. Dimension of the land should be minimum 20 meter x 24 meter.'

Do you own a suitable land at advertised location for LPG godown & showroom? (own means having clear ownership title of the property in the name of applicant/family member of the 'Family Unit. "Family Unit" of a married applicant, shall consist of self, applicant's spouse and unmarried sons(s)/daughter(s) and "Family Unit" of a unmarried applicant, shall consist of self, applicant's parents and applicant's unmarried brother(s)/sister(s) for the purpose of this entire application. In case of family member, consent letter from the family member will be required)	-Yes-	-No-
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In the aforesaid column, the petitioner had affirmatively stated that she has suitable land at the location for the LPG showroom.

In the application form, the petitioner had also to make a declaration about its contents. The declaration given by the petitioner is reproduced as under :

"I am aware that evaluation of candidates will be done based on the information given in the application above. On verification by the Oil Company if it is found that the information given by me is incorrect/false/misrepresented then my candidature will stand cancelled and I will be declared ineligible for RGGLV. I also confirm that I am in possession of the supporting documents in original in respect of the information given by me in this application and if selected, failure to present these documents in original will result in cancellation of selection due to submission of false/

unsupported information in this application.

I am fully aware that after selection if I am unable to provide LPG godown duly approved by the Office of Chief Controller of Explosives (PESO) and showroom as per the Oil Company's standard layout, then the offer of RGGLV made to me will automatically stand cancelled.

I am fully aware that I will not be appointed as RGGLV if I am employed. I shall have to resign from the service and produce proof of acceptance of my resignation from my employer before issuance of Letter of Appointment.

I am aware that if married, my spouse will be co-owner of RGGLV with me.

That, if selected, I under that I will deposit an interest free Security as per the policy of the Corporation.

I have read the terms and conditions applicable for the RGGLV mentioned in the advertisement and confirm that I fulfill the eligibility criteria for the RGGLV I have applied for in this application.

I, Bala Devi wife of Sh. Balinder Singh, hereby confirm that the information given above is true and correct. Any wrong information/misrepresentation/suppression of facts will make me ineligible for this RGGLV.”

The petitioner was successful in draw of lots and thereafter, the matter was taken up for Field Verification Credentials (in short 'FVC') because at the time when the name of the applicant was put in the draw of lots, the documents submitted by the applicant are taken on its face value, which are checked during FVC after the payment of requisite fee by the candidate. During the FVC, the Corporation sought verification from the Naib Tehsildar, Alewa to enquire as to whether the petitioner has the land at the advertised location i.e. Naguran. The Naib Tehsildar, Alewa referred the matter to the *halqa patwari* to take action. On the said application *halqa patwari* made the following report :-

“Sir,

Certified that Balinder son of Mohar Singh son of Abheram is permanent residence of Nagura, Tehsil and District Jind. The applicant is owner of land comprised in Khewat No.205 Khata No.248 and 243 in 193/2245 share measuring 9 kanals 13 marlas as per jamabandi for the year 2009-2010 situated at village Kheri Nagura. This area falls in village Kheri Nagura and not in village Nagura. In revenue record hadbast No.81 is of village Nagura and hadbast No. 84 is of village Kheri Nagura which is bechirag.

*Sd/-
Patwari
21.9.2012”*

Thereafter, the Naib Tehsildar, submitted his report to the Corporation, which is as under :

“Office of Naib Tehsildar, Alewa

As per revenue record Nagura and Kheri Nagura are separate Chak (village). Village Kheri Nagura is bechirag (un-inhabited). Because of village Kheri Nagura being bechirag, the population of both villages (Kheri Nagura & Nagura) is same.”

The Corporation, thereafter, sought a clarification from the Deputy Commissioner, vide letter dated 10.8.2013. The contents of the application made by the Corporation to the Deputy Commissioner is as under :

*“To
Deputy Commissioner,
DC Office,
Mini Secretariat,
Jind – 126102.*

Sub : Clarification between Villages Naguran and Kheri Naguran

Sir,

Hindustan Petroleum Corporation Ltd. is a Government of India enterprise engaged in the exploration, refining and marketing of petroleum products all over the country. As a regular activity of appointment of new distributors, We had advertised for selection of a LPG distributor under Rajiv Gandhi Gramin LPG Vitrak Scheme at

village Naguran on Feb 2011.

One of the basic eligibility criteria for appointment of LPG distributor against the subject advertisement is that the applicant must own a suitable piece of land for godown construction in the village, against which the RGGLV agency has been advertised.

Smt. Bala Devi is one of the applicant for the location Naguran. The land offered by her is in the village Kheri Naguran. During the process of field verification of credentials, we have received the following information from Naib Tehsildar, Alewa.

A) Information from Naib Tehsildar, Alewa dated 5.10.2012 (Annexure 1)

Naib Tehsildar, Alewa confirmed that as per revenue record village Naguran and Kheri Naguran are different villages.

B) Information from Naib Tehsildar, Alewa dated 6.8.2013 (Annexre 2)

Naib Tehsildar, Alewa has given two different statements. The first statement is that village Naguran and Kheri Naguran are different villages as per the revenue records. The second part of remarks states that Naguran and Kheri Naguran are two parts of a same village.

We request an official confirmation on the status of village Naguran and Kheri Naguran as to whether they are two different villages or two parts of a same village Naguran. Further progress in the appointment of distributor at village Naguran depends on your advice to us in the matter. Kindly oblige.”

In response to the aforesaid letter, the Deputy Commissioner, Jind, informed the Corporation as under :

*“From
The Deputy Commissioner, Jind*

*To
The Senior Regional Manager,
HPCL, LPG Regional Office, Rohtak Road,
Jind.*

End. No. 2738/LPA dated 27.9.2013.

Subject : Clarification between villages Naguran and Kheri Naguran

This has reference to your office letter endst. No. Jind/AKG/Nagura dated 9.8.2013.

In the matter under reference a report was again obtained from Naib Tehsildar, Alewa. As per report Smt. Bala Devi wife of Blinder Singh is permanent residence of Nagura, Tehsil and District Jind, who had land in village Kheri Nagura. As per revenue record Nagura and Kheri Nagura have separate revenue records. Village Kheri Nagura is bechirag (un-inhabited) since time immemorial. As per census Kheri Nagura and Nagura are one village. As such, Kheri Nagura is part of village Nagura.”

Learned counsel for the petitioner has vehemently argued that there is an error on the part of the respondents in rejecting the application of the petitioner only on the ground that the petitioner does not have the land at the proposed location i.e. Naguran. It is submitted that the land of the petitioner is in Kheri Naguran though the petitioner is residing in village Naguran. It is further submitted that village Kheri Naguran is un-inhabited whereas village Naguran is having a population of 11,614 and Gram Panchayat of both the villages is the same. It is further submitted that the issue raised by the respondents is highly technical otherwise the Revenue Authorities have opined that the village Kheri Naguran is a part of village Naguran.

On the other hand, learned counsel for the Corporation has submitted that the Corporation has to go by the location mentioned in the advertisement. It is submitted that both the villages Kheri Naguran and Naguran have separate hadbast. Village Naguran is in the Hadbast No. 81, whereas village Kheri Naguran is in hadbast No. 84. It is also submitted that village Kheri Naguran is bechirag and may be considered to be a part of village Naguran but, admittedly, the land of the petitioner is not in Naguran

but in Kheri Naguran. It is also submitted that the Corporation is only concerned about the location of the land and not with the residence of the petitioner, who may be living in village Naguran and not in Kheri Naguran.

I have heard learned counsel for both the parties and perused the record.

The question involved in this case is as to whether the petitioner should have the land in the village/location, which is advertised by the Corporation for the purposes of LPG Distributorship and for construction of LPG godown and showroom or the petitioner, who had the land in an adjoining village, does not have the land in the same location but his land falls in a part of the same village, could have maintained the application? The other question would also be as to whether the respondents have committed an error in cancellation of the candidature of the petitioner because particulars given by the petitioner in the application are found to be incorrect?

The aforesaid two questions are inter related, therefore, are being answered together. In the matter of allotment of LPG distributorship or the petrol pumps, the location is an important factor. The respondent-Corporation had decided to offer the LPG Distributorship under the Scheme at a particular location and asked the candidates to offer the suitable land at the advertised locations for the purpose of construction of the showroom and the godown. The petitioner has specifically mentioned in the application form that she has got suitable land at the advertised location i.e. Village Naguran, whereas this fact is found to be incorrect because the petitioner has got the land not at the advertised location but in another hadbast, which is a different village named Kheri Naguran, and therefore,

even if it has been opined by the Revenue Authorities, for the purpose of revenue, that Kheri Naguran may be the different village but is considered to be a part of populated village called Naguran, but as per the Corporation these are two different villages bearing hadbast No. 81 and 84.

The answer to the above two questions are thus, in favour of the Corporation as it has been found that the declaration given by the petitioner is totally incorrect in respect to the offer of the land which was not found as per the advertised location.

In view thereof, there is hardly any merit in this petition and the same is dismissed.

(RAKESH KUMAR JAIN)
JUDGE

23.1.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No