

210-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24231-2014

Date of decision: 23.10.2018

Rai Singh Patanga

...Petitioner

V/s.

Indian Oil Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present : Mr. Vijay Pal, Advocate for the petitioner.

Mr. M.S. Rana, Advocate for

Mr. Ashish Kapoor, Advocate for respondent No. 1.

Mr. Raman Sharma, Advocate for respondents No. 2 and 3.

Mr. Vivek Singla, Advocate for respondent No. 4 and 5.

RITU BAHRI, J. (Oral).

The petitioner is seeking quashing of the advertisement dated 26.10.2013 (Annexure P-1) and the guidelines for selection of Regular LPG Distributors August, 2013 (Annexure P-2) followed by the respondents at the time of issuing the above said advertisement.

The present petitioner is a freedom fighter and is a recipient of the prestigious Tamrapatra dated 15.08.1988 (Annexure P-6 colly). He is the All India President of Rashtriya Swatantra Senani Parvarik Sangathan (Regd.) and member of the Committee of Eminent Freedom Fighters constituted by the Ministry of Home Affairs, Government of India on 10.04.2012.

The grievance of the petitioner is that as per advertisement dated 26.10.2013 (Annexure P-1), only 7 sites have been kept reserved for Physically Handicapped (PH), Outstanding Sports Persons (OSP) and Freedom Fighter (FF). He is aggrieved that for making application, Rs.1,000/- per application has to be paid by the applicant and it would be

unreasonable to the petitioner to apply separately for all 7 locations by making Rs.1000/- per application and he is also questioning the rationality behind allotment of the sites by way of draw of lots. He has further stated that at the time of making advertisement (Annexure P-1), most of the freedom fighters have become either very old or have died and efforts should be made to include their dependents or their spouse to become eligible for making application under the category of freedom fighters.

On notice of this petition, the reply has been filed by respondent No. 5. They have placed on record a decision taken on 07.06.2007 by the Govt. of India Ministry of Petroleum and Natural Gas (Annexure CA-1). As per this decision, provision of 2% reservation under the Freedom Fighter category in the normal selection process was adopted for allotment of dealership/distributorship of petroleum products and gas agencies. It is specifically provided in this decision that reservation cannot be made to spouses or dependents and even for freedom fighters, they should be the holder of certificate or tamrapatra or pension order issued by Accountant General in pursuance of the sanction letter from MHA, Govt. of India and no further provision for reservation of any category of persons, including successors of freedom fighters, shall be made as there is already 50% reservation. In the concluding paragraph of this letter, it has further been observed that there is no justification for reservation of the sons/daughters of freedom fighters and preferential treatment cannot be passed on the basis of inheritance. The successors of freedom fighters can apply for dealership/distributorship of petroleum products under the relevant categories for which they may be eligible.

The stand taken by respondent No. 1 is that the guidelines (Annexure P-2) has been made on the basis of letter dated 07.06.2007 by the Govt. of India Ministry of Petroleum and Natural Gas (Annexure CA-1) and no reservation can be made for dependents or spouse of freedom fighters as per letter dated 07.06.2007 (Annexure CA-1). They have further argued that the advertisement was issued on 26.10.2013 (Annexure P-1), the last date for submitting the application form was 25.11.2013. The petitioner had not made any application till the cut off date with respect to any of the location which was reserved for freedom fighters and the petitioner had not made application for any of the 7 sites which were reserved for freedom fighters in the advertisement (Annexure P-1). The writ petition was filed on 19.11.2014 without even being applicant in the selection process.

After going through the contents of the writ petition and written statement, this writ petition deserves to be dismissed. Once the Ministry of Petroleum and Natural Gas has taken a conscious decision vide letter dated 07.06.2007 (Annexure CA-1) not to include spouse and dependents of freedom fighters for the benefit of reservation for allotment of petroleum pumps and gas agencies, the guidelines of 2013 (Annexure P-2) are not required to be interfered with by this Court. Moreover, the Division Bench of Rajasthan High Court in ***Special Appeal Writ No. 1474 of 2014 Indian Oil Corporation Ltd. and others V/s. LPG Distributors Fedu and another***, decided on 24.02.2016, had an occasion to consider the validity of the guidelines of August, 2013 and has upheld the same.

Hence, no ground for interference is made out.

Dismissed.

23.10.2018

Divyanshi

(RITU BAHRI)
JUDGE

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