

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

CWP No. 8771 of 2014

Date of Decision: 22.01.2018

GANGA RATI

.....Petitioner

V/S

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. Vivek Singla, Advocate,
for respondents No. 1 to 3.

Mr. Ashish Kapoor, Advocate,
for respondent No. 4.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has challenged the order dated 12.02.2010 (Annexure P-9) passed by the Ministry of Petroleum & Natural Gas, declining the application filed by the petitioner for allotment of retail outlet dealership/LPG/Distributorship/SKO-LDO dealership under the discretionary quota scheme (DSQ).

In brief, the petitioner's husband, late Gian Chand, who was working as Barber in the Border Security Force, died on 27.03.1994 in an encounter with militants in Jammu & Kashmir. The certificate dated 06.04.1999 to this effect has been issued by the Directorate General, Border Security Force, New Delhi. At that time, there was a policy for reservation for allotting petroleum products agencies to the families whose persons have died during war in Central Para Military Forces.

The petitioner had initially applied for an agency for petroleum products under the name of her son in the year 1995. She realized later on that minor cannot be given agency, she applied herself on 26.08.1996.

The application was allegedly remained pending till it was finally decided in the year 2010 against the petitioner on the ground that the policy of DQS has been disbanded but the eligible applicants falling under the DQS category can apply under the normal selection process for allotment of RO/SKO-LDO dealerships/LPG distributorships in which reservation upto 8% is kept for defence category and another 8% for para-military/Govt./police personnel (PMP) category.

Earlier, petitioner had challenged the order dated 12.02.2010 before this Court by way of CWP No. 15168 of 2012 which was dismissed as withdrawn vide order dated 14.05.2013. Thereafter, the present writ petition is filed.

Learned counsel for the petitioner has submitted that respondents has unnecessarily had kept on hold his application for 14 years and in the meantime, the policy under which she had applied has been disbanded. Therefore, the petitioner is not at fault and the entire fault is of the respondents. It is also submitted that during this period the petitioner has made representations which were not answered by the respondents.

The respondents have averred that the application submitted by the petitioner for allotment of the LPG distributorship was sent to the Ministry of Oil, Petroleum and Natural Gas vide letter dated 13.02.2006 with the remarks that *"The certificate dated 06.04.1999 from BSF does not state clearly whether death was on duty or not. Matter needs clarification from concerned authority. The applicant has passed Vth Std. only and has not submitted proof of age and education."* It is submitted that in the meantime, before anything could have been heard from the quarter concerned, the

Ministry has disbanded the discretionary quota scheme (DQS) vide order dated 26.12.2006. It is also submitted that the copy of the order dated 26.12.2006 by which the DQS was disbanded was sent to the persons concerned whose applications were pending. Despite that, the petitioner had filed the writ petition in 2012 i.e. after expiry of 6 years without even challenging the order dated 26.12.2006 and after withdrawal of the said writ petition, the present writ petition was again filed before this Court after more than one year.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is no merit in the present petition because at the time when the application was considered, the policy of the DQS is already disbanded. The respondent should not have awarded distributorship to the petitioner of any petroleum product under the said policy. However, the petitioner has been allowed to apply under normal selection process and for that reservation is kept upto 8% for defence category and another 8% for para-military/Govt./police personnel (PMP) category.

With the aforesaid observations, the present petition is hereby dismissed though no order as to costs.

January 22, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No