

CWP No.2653 of 2018

[1]

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

CWP No.2653 of 2018

Date of decision: February 07, 2018

Taranjeet Kaur

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Mahavir Sandhu, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The Bharat Petroleum Corporation Limited (hereinafter referred to as the "BPCL") invited applications by way of an advertisement dated 13.08.2017 for awarding distributorship of the Liquified Petroleum Gas (LPG) agency at various places in the State of Haryana. The allotment of the aforesaid distributorship was governed by the brochure on unified guidelines for selection of LPG distributors including Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak published in June 2017 (hereinafter referred to as the "brochure"). Besides 25 candidates, the petitioner also applied for the distributorship in the category of "Open (GP)" and out of the total 26 candidates, only 7 were found eligible to be considered for the draw of lots. The draw of lots was held on 16.11.2017 at 11.00 am at Conference Hall, DC Office, Mini Secretariat, Yamuna Nagar, in which respondent no.4 was declared successful. The petitioner made a complaint to the Corporation that respondent no.4 was not eligible to be considered in the

draw of lots because his mother Sushila Devi wd/o Devender Singh had already been allotted LPG distributorship at village Mustfabad, District Yamuna Nagar. The Corporation made relevant inquiries in the complaint and found truth in it in regard to allotment of LPG distributorship to Sushila Devi wd/o Devender Singh in the category of Open (GP). Accordingly, the Corporation declared the candidature of respondent no.4 as illegal and ordered for re-draw of lots in the due course.

The precise argument of learned counsel for the petitioner is that once respondent no.4 has been held to be ineligible to participate in the draw of lots as his mother was already having LPG distributorship, respondent no.5 is the brother of respondent no.4, only respondents no.4 and 5 were present at the time of holding of online draw of lots along with the petitioner and no other candidate was present, therefore, only the petitioner is left in the fray and should have been awarded LPG distributorship instead of holding the re-draw of lots.

Notice of motion.

At this stage, Ms. Shifali, Advocate, accepts notice on behalf of respondent no.1-Union of India and Mr. Raman Sharma, Advocate, accepts notice on behalf of respondents no.2 and 3 and refers to Clause 7(b) of the brochure pertaining to the mode of selection, in which it is provided that “...*the selection for these types of LPG Distributorships will be done by conducting draw of lots from amongst all the eligible applicants for the location*”. It is further submitted that name of all the 7 eligible candidates were considered in the draw of lots, out of which respondent no.4 was successful. It is further submitted that the perception of the petitioner that since only 3 candidates were

present at the time of draw of lots, therefore, the other 4 candidates had lost their right to be considered in the re-draw of lots is totally wrong.

However, counsel for the petitioner has vehemently argued that as per his information, supplied by the Corporation under the Right to Information Act, 2005, only 3 candidates were present to witness the draw of lots, therefore, it has to be presumed that the other 4 candidates were not interested for the distributorship.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no force in the argument raised by learned counsel for the petitioner and the present petition deserves to be dismissed because all the 7 eligible candidates were considered in the draw of lots and in case the other 4 candidates were not present at the time of draw of lots, they would not loose their eligibility to be considered in the fresh draw of lots to be conducted for allotment of LPG distributorship. No doubt that respondent no.4 and 5 are ineligible because of the reason that their mother has already got a LPG distributorship at a different location but it would not mean that because of absence of the 4 other candidates, the petitioner alone would remain in the fray for the purpose of allotment of LPG distributorship.

In view of the aforesaid facts and circumstances, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any order as to costs.

February 07, 2018
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(Rakesh Kumar Jain)
Judge

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