

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

LPA No.1527 of 2017 (O&M)

Date of Decision : 27.8.2018

Surender Kumar

....Appellant

Versus

Bharat Petroleum Corporation Ltd. and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.MAHABIR SINGH SINDHU

Present : Mr.Yogesh Goyal Advocate
for the appellant.

MAHESH GROVER, J. (Oral)

The appellant is in appeal against the judgment of the learned Single Judge dated 19.07.2017.

In question, is a selection process undertaken by Bharat Petroleum Corporation Ltd. (hereinafter known as 'the Corporation') for awarding LPG distributorship. One of the persons, who faced the process was selected but upon verification found ineligible. Consequently, his claim was discarded. An advertisement was given out by the Corporation on 13.08.2016 by way of publication in Punjab Kesri and may be in some other newspapers regarding which no information has been put forward. The Corporation also issued letters simultaneously to those who had participated in the earlier process except the one who was selected.

The appellant did not respond to the advertisement and was never an applicant. He by way of writ proceedings questions the subsequent process embarked upon by the Corporation in awarding the LPG distributorship to contend that the period prescribed for submitting application was too short and there was an element of pre-judgment as the earlier candidates who had unsuccessfully participated in the earlier process

were sent intimation letters which in essence means pre-judging the issue.

We notice that the advertisement given out to the general public by way of publication indicated not only the concerned distributorship but many others for which draw was to be held. Since one process had been carried out earlier which fell through on account of the selected candidate not making the grade, the Corporation cannot be faulted in retaining others who faced the first process unsuccessfully for further consideration, along with the people who might have chosen to apply pursuant to the fresh advertisement. The appellant in any case cannot make any grievance of the subsequent process as he was never the applicant and the learned Single Judge noticed this precisely to decline his claim. The plea that time prescribed was too short can hardly be of any consequence to justify his non-participation by the appellant. Had he applied for the second process he could have still raised this argument whether justifiably or not but having not responded at all it does not lie in his mouth to question the process.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

27.08.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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