IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:21.05.2019

CWP No.14492 of 2000

Prabh Dayal ....petitioner

Versus

Union of India and others .....respondents

CWP No.17755 of 2000

Narinder Kumar Gupta ....petitioner

Versus

Union of India and others .....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner(s)

Mr.Ashish Kapoor, Advocate
for respondent Nos.2 to 5 in CWP No.14492 of 2000
for respondent Nos.2 to 4 in CWP No.17755 of 2000

None for remaining respondent(s)

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RAJIV NARAIN RAINA, J. (ORAL):

1. This order shall dispose of the above mentioned two writ petitions by a common order. Facts are being derived from CWP No.14492 of 2000, the decision in which will apply mutatis mutandis to the connected case, the difference being only the location of LPG distribution.

2. No one enters appearance on behalf of the petitioner(s) nor a pass over is sought.

3. The prayer in these petitions is for a direction to the Dealer Selection Board Punjab-1, to allot LPG dealership to the petitioner(s) on the ground that he was the only eligible candidate for allotment in Fazilka. There is a prayer that respondent No.6 should not be awarded dealership as he does not fulfil the qualifications prescribed in the terms and conditions of the allotment.

4. The case was admitted on 13.07.2001 with liberty to the counsel to move for expeditious hearing. No such application is found on record. Initially an interim order was passed restraining the respondents from running the agency allotted to respondent No.6 by respondent No.3. However, by a subsequent order that order was stayed on 26.04.2001.

5. The dispute was as to the gross and family income of respondent No.6, from all sources including interest etc. which should not have been more than 2 lakhs in the financial year i.e.1996-97. In the reply, filed by respondent No.3-Indian Oil Corporation, it has been disclosed that an inquiry was conducted regarding income of respondent No.6, and after due verification of facts, it was found that respondent No.6 had received salary during 1996-97 in a sum of Rs.1,13,760/- and the income of his wife during the same period was Rs.73,059/- adding up to Rs.1,86,820/-. The rest of the amount of Rs.3,89,945/-were retiral benefits received by the said respondent

including commuted portion of pension, gratuity and GPF amount, which was not a part of income and therefore, there was no error in the allotment to respondent No.6. Accordingly, both the petitions have no merit and are accordingly dismissed.

6. A copy of this order be sent to the petitioners at their addresses mentioned in the memo of parties.

21.05.2019 **(RAJIV NARAIN RAINA)**
neenu **JUDGE**