

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13526 of 2016 (O&M)

Date of Decision: 9.12.2019

Jaswinder Singh

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kshitij Sharma, Advocate for the petitioner.

Mr. Dhiraj Jain, Sr. Standing Counsel for UOI.

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

Mr. Raman Sharma, Advocate for respondent Nos. 5 & 6.

RAJIV NARAIN RAINA, J. (Oral)

1. Heard learned counsel for the parties.
2. Learned counsel for respondent 4 has produced an order passed by Coordinate Bench in CWP No. 23664 of 2017, titled 'Jagpreet Singh Vs. Union of India and others' decided on 8.11.2017. The petitioner, Jagpreet Singh and the present petitioner Jaswinder Singh belong to the SC category. The challenge is to the policy of allotment of LPG distributorships. The grievance is that the petitioner is debarred from applying as there is a policy that SC category candidates must possess land and godown prior to the date of application.
3. Learned Single Judge has referred to the previous decision where the issue has been considered in *CWP No. 3198 of 2014* titled

Sunita Rani Vs. Union of India and others wherein certain directions have been given. Learned counsel for respondent 4 submits that the decision in *Sunita Rani's* case has been upset by the LPA Bench and the case has been remanded for fresh hearing and there is an interim order to the effect that allotment will be subject to fresh outcome of that petition.

4. Without going into the issue of the index in this case which on facts is similar to the 4 cases decided today in the lead petition, CWP No. 13386 of 2016, titled 'Sukhwant Kaur Vs. Union of India and others', this petition is disposed of by observing that the petitioner's rights, if any, will be controlled by the decision taken in *Sunita Rani's* case (supra) and that would give a fair opportunity to the petitioner to tide over the insuperable hurdle created in the index mentioning a petition which subsequently stands dismissed, in case of fresh litigation if it comes to pass depending on then fate of the remand proceeding.

5. With the above observations, the present petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

9.12.2019

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