

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20053 of 2015(O&M)
Date of Decision: 24.10.2019

Roshan Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

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

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

Mr. MS Rana, Advocate, for
Mr. Ashish Kapoor, Advocate,
for respondent No.2.

Mr. C.M. Munjal, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

This petition does not carry any weight because the residential certificate on which the petitioner relied upon in support of his affidavit dated 28.07.2014 for award of Rural Retail Outlet dealership for running a petrol pump, was issued by the office of the Tehsildar Fazilka on 14.08.2014 which did not qualify as proof of residence in the revenue area of the site of the proposed dealership.

The terms and conditions of the selection criteria required the residence certificate should be issued within the previous six months of the date of affidavit for dealership in the prescribed format appended to the application form and only such an affidavit will only be treated as a valid residence certificate. This condition is contained as a 'Note' in

Appendix I. Moreover, in the brochure of Selection of Dealers for Regular and Rural Retail Outlets issued by the respondent Indian Oil Corporation and two sister Oil Companies dated 21.05.2014 contained the condition under which Appendix 1 has been appended, that is, Clause 4(ii) that prescribes applicant should be a resident of the concerned Revenue District and only such residence certificates as are issued within previous six months of the date of the affidavit will be treated as valid residence certificates. This rule refers to Appendix I.

When Rule 4 (ii) is read with Appendix I it is manifest that the petitioner had no case at all in absence of evidence of his residence in the revenue district within six months prior of the date of issue of residence certificate on 14.08.2014.

It may be noted that the application for dealership was submitted by the petitioner on 28.07.2019. During verification the respondent corporation found this deficiency in the application and asked him to supply the affidavit for considering his case for dealership in the category applied for. In compliance of that request in writing, the petitioner obtained the residence certificate from the Tehsildar, Panipat on 14.08.2014, which was not treated as sufficient compliance of the terms and conditions or overcoming the shortcoming.

The action of the respondents in rejecting the application for dealership was the lack of proof of residence for the minimum period specified in the Brochure. The terms were binding on the parties. The impugned order does not suffer from any factual or legal infirmity and is in conformity with the rules. There is no error therein to invite correction in judicial review.

Consequently, there is no merit in this petition and it is ordered to be dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.10.2019
monika

Whether speaking/reasoned	Yes
Whether reportable	Yes/No