

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2031-2016

Decided on: 21.02.2019

Subash

.... Appellant

Versus

UOI and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Jagjit Gill, Advocate
for the appellant.

Mr. Ashish Kapoor, Advocate
for respondents No.3 and 4.

MANJARI NEHRU KAUL, J.

In this Intra Court Appeal under clause X of the Letters Patent, the appellant has assailed the order of the learned Single Judge dated 27.08.2016.

2. The appellant had applied for outlet of Kisan Seva Kendra (KSK), but he was held ineligible for allotment of the same, as his case did not fall within the definition of “residence certificate” as per clause 4 (Eligibility Criteria for Individual Applicants-Proprietorship/Partnership) of the Brochure. The appellant thereafter approached this Court by way of filing CWP No.17460 of 2016 for quashing the orders dated 22.08.2015 and 08.03.2016 passed by the respondents. The learned Single Judge, dismissed the writ petition by observing that the conditions detailed in the Brochure were not in conflict with the instructions dated 30.01.2004 issued by the Chief Secretary, Government of Haryana coupled with the fact that it was in fact the appellant himself, who was responsible for rejection of his application as he had failed to submit “residence certificate” in terms of the provisions of Brochure.

3. Learned counsel for the appellant submitted that the appellant was arbitrarily and illegally disqualified from the process of

allotment of KSK dealership on a technical ground and in fact the eligibility criteria framed by the respondents was unsustainable which had resulted in grave and manifest injustice to the appellant.

4. We have heard learned counsel for the parties as well as perused all the materials on record.

5. A perusal of clause 4 of the Brochure reveals that the residence certificate which was to be submitted alongwith application form was to be not beyond the preceding six months from the date of affidavit, but within the preceding six months from the date of the affidavit. The affidavit on the other hand, submitted by the appellant alongwith certificate of his residence was dated 29.06.2012 and admittedly two years old. It would be thus erroneous to draw a presumption that he was residing at the residence mentioned in the “residence certificate” within previous six months from the date of the affidavit, without the same being supported by any iota of documentary evidence.

6. The other contentions raised by learned counsel for the appellant are also devoid of any merit as the basic eligibility criteria was not fulfilled by the appellant.

7. Hence, we are of the considered opinion that the present appeal is bereft of any merit and hence, does not warrant any interference.

8. Appeal dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

21.02.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No