

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3966-2014 (O&M)
Date of Decision:-07.01.2019.

Rajiv Kumar and another

.....Petitioners

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners

Mr. Ashish Kapoor, Advocate for respondent Nos.2 and 3.

ARUN MONGA, J. (Oral)

1.) The present writ petition has been filed for issuance of a writ in the nature of *certiorari* for quashing the communication dated 06.02.2014 issued by respondent No.2-Indian Oil Corporation. Vide the said communication, the candidature of both the petitioners was rejected for appointment of LPG Distributorship at Zira, District Ferozepur under SC category.

2.) None appears for the petitioners. Order sheet of the case reflects that even on the previous hearings, despite opportunities, none has been appearing for the petitioners. Court notices were also issued to petitioners in default of the appearance of their learned counsel.

3.) The Indian Oil Corporation Limited issued an advertisement dated 07.03.2012 for appointment of LPG Distributorship on 37 locations in

the State of Punjab in different categories. Out of the said locations, Sr. No.24 pertains to Zira for SC category, wherein both the petitioners considering themselves to be eligible had applied along with relevant documents and prescribed fee. However, on scrutiny of their application/documents, respondent No.2-Indian Oil Corporation vide letter dated 06.02.2014 informed the petitioners that the affidavits filed by them were not as per the prescribed proforma given in Appendix-1 and, therefore, their candidature was found not to be eligible in the LPG Distributorship.

4.) In fact, on an earlier occasion also respondent No.2-Indian Oil Corporation, vide its letter dated 10.07.2013, had pointed out to the petitioners that the information submitted by them was not as per Appendix-1. The petitioners were, therefore, advised to submit fresh affidavit as per the standard format. In response to the said letter dated 10.07.2013, petitioner No.1 re-submitted his affidavit purported to be as per the standard format Appendix-1 but petitioner No.2 still did not file the revised affidavit. After comparing the revised affidavit of petitioner No.1 with the contents of standard format as per Appendix-1, respondent No.2 once again did not find the same as per the standard contents. Therefore, the revised affidavit filed by petitioner No.1 was rejected.

5.) I have gone through the pleadings and the record filed along with the petition and the reply thereto. Clause 8 of the Appendix-1 which is stated to be the standard format is extracted hereinbelow:-

“8. That if any information/declaration given by me in my application or in any document submitted by me in support of application for the award of the LPG Distributorship or in this affidavit shall be found to be untrue or incorrect or false, the Indian Oil

Corporation/Bharat Petroleum Corporation*/ Hindustan Petroleum Corporation* would be within its rights to withdraw the letter of intent/terminate the distributorship **(if already appointed)** and that **I would have no claim**, whatsoever, against the Corporation for such withdrawal/termination.” (Emphasis supplied)*

Whereas the petitioner No.1 has filed the purported correct affidavit with the following particulars:-

*8. That if any information/declaration given by me in my application or in any document submitted by me in support of application for the award of the LPG Distributorship or in this affidavit shall be found or incorrect or false the Indian Oil Corporation *Bharat Petroleum* Hindustan Petroleum Corporation would be within its rights to withdraw the letter/of intent/terminate the distributorship **(inflated appointed)** and that **I would be within its right** to whatsoever, against the Corporation for such withdrawal/termination.” (Emphasis supplied)*

6.) A perusal of the para 8 of the affidavit of petitioner No.1 as compared to clause 8 in the standard format clearly reflects that the petitioner No.1 has mischievously deposed in para 8 of the affidavit inasmuch as stating that he has not been already appointed as distributor and that he would be within his rights to proceed against the Corporation for terminating the distributorship in the event he is found to be a pre-existing distributor of any other oil company. The affidavit is, therefore, clearly not in consonance with Appendix-1.

7.) The stand of the petitioners, on the other hand in the petition is that the affidavits have been filed by them as per the proforma of Appendix-

from the record. In any case, petitioner No.2 never filed the affidavit in compliance with Appendix-1.

8.) In the circumstances, the present writ petition is bereft of any merits and is, accordingly, dismissed.

(ARUN MONGA)
JUDGE

January 07, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.