



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.A(MD)No.1136 of 2020
and
C.M.P(MD)No.6224 of 2020**

Divisional Manager,
Indian Oil Corporation Ltd,
Trichy Divisional Office,
Triveni 3rd Floor,
B-35, Shastri Road,
Thillai Nagar,
Trichy - 620 018.

... Appellant/3rd respondent

Vs.

1.Gunanithi
2.The Chairman,
Indian Oil Corporation,
G-9, Indian Oil Bhavan,
Aliyavar Jung Marg,
Banra East,
Mumbai - 400 0051

..1st Respondent/Petitioner

3.The Executive Engineer,
Indian Oil Corporation Ltd,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Chennai - 600 034.

..2nd & 3rd respondents/
1st and 2nd respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents, to set aside the judgment and order, dated 12.08.2020 in W.P(MD) No.9028 of 2020 passed by this Court by allowing this Writ Appeal insofar as directing to refund the security deposit amount of Rs.40,000/- and dismiss the Writ Petition in W.P(MD)No.9028 of 2020 in entirety.



Prayer in WP(MD). 9028/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus calling for the records relating to impugned order dt. 16.03.2020 and consequential order dt. 08.05.2020 under Ref. 4105/DS passed by the 3rd respondent and quash the same and further directing the respondents to issue Letter of Intdent to the petitioner by declaring her as selected for Retail outlet dealership at Ammankurichi Location, Pudukottai District under Freedom Fighter Quota (Open CC 2).

For Appellant :Mr.K.Muraleedharan

JUDGMENT

[Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**]

This writ appeal has been filed as against the order passed by the learned Single Judge by which, the prayer sought for by the 1st respondent was dismissed. However a direction was issued to the appellant to refund the security amount of Rs.40,000/- [Rupees Forty Thousand Only], which was deposited by the 1st respondent.

2.It is seen that the 1st respondent has applied for a petroleum retail outlet under Freedom Fighters Category and she was also called upon to pay the security deposit for field verification and accordingly, she also paid the said security deposit. But on field verification, it was found that she was not eligible for being allotted the retail outlet under the Freedom Fighters Category and her application was rejected by order, dated 08.05.2020. This order was challenged in the writ Petition.

3.The learned Single Judge, though accepted the case of the appellant that the 1st respondent is not entitled to be allotted with the retail outlet, directed the appellant to refund the security deposit made by the 1st respondent by treating as a special case.

4.The learned Counsel for the appellant submitted that if refund is ordered, then there will be claims for refund of security deposit by the non-selected candidates.

5.Though this Court accepts the contention of the appellant, considering the fact that the 1st respondent is a legal heir of a Freedom Fighter, directs the appellant to refund the security deposit to 1st respondent forthwith as directed by the learned Single Judge, by considering the 1st respondent as special case. Therefore, the order passed by the learned Single Judge is upheld. However, we make it clear that this judgment is passed considering the peculiar



facts and circumstances of this case and this cannot be taken as a precedent in any other case.

6. In view of the above, this writ appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

dsk

To

1. The Chairman,
Indian Oil Corporation,
G-9, Indian Oil Bhavan,
Aliyavar Jung Marg,
Bandra East,
Mumbai - 400 0051
2. The Executive Engineer,
Indian Oil Corporation Ltd,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
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W.A(MD)No.1136 of 2020

17.12.2020

ARK (CO)
NR (30/12/2020) 3P : 3C