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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.3784 of 2011

and

M.P.No.2 of 2011

1. P.Tharmaraj (Deceased) ... Sole Petitioner
2. D.Shanmugasuganthi
3. D.Manoj Sindia
4. D.Devi Sindia ... Petitioners
Rep.by the mother and natural guardian
D.Shanmugasuganthi, D/o.Late P.Tharmaraj

[Petitioners 2 to 4 substituted as legal heirs of the deceased petitioner, vide order of this Court in W.M.P.No.15715 of 2021 in W.P.No.3784 of 2011 dated 08.11.2021]

Vs.

1. The General Manager - LPG
Indian Oil Corporation Ltd.,
(Marketing Division),
Indian Oil Bhavan,
No.139, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.
2. The Chief Area Manager,
Indian Oil Corporation Ltd.,
(Marketing Division),
Indian Oil Bhavan,
No.500, Anna Salai,
Teynampet, Chennai - 18.
3. The Chairman,
Distributor Selection Committee,
Indian Oil Corporation Ltd.,
Marketing Division,
No.139, Mahatma Gandhi Road,
Nungambakkam, Chennai -34.



4. K.R.Gowthaman

5. P.Senthil Shankar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the respondents 1 to 3 pertaining to the Letter of Intent passed by the second respondent in Ref: No.CHAO.690 dated 15.7.10 and quash the same and consequently direct the second respondent/Chief Area Manager, IOCL (Marketing Division, Chennai) to place the petitioner as First person and allot LPG Distributorship to the petitioner at Sholinganallur / Kellambakkam in Kancheepuram District, Tamil Nadu.

For Petitioner : M/s.Thenmozhi
for Mr.P.Jagadeesan

For R1 to R3 : Mr.Abdul Saleem

For R4 : Mr.P.B.Sampathkumar

R5 : Not ready in notice

O R D E R

(Through Video Conferencing)

The writ on hand has been instituted to quash the Letter of Intent passed by the 2nd respondent dated 15.07.2010 and to direct the 2nd respondent / Indian Oil Corporation to place the petitioner as first person and allot LPG Distributorship to the petitioner at Sholinganallur / Kellambakkam in Kancheepuram District, Tamil Nadu.

2.The petitioner states that he was an employed graduate and completed B.E. (Mechanical) in April, 1995. The petitioner gained large experience and skill improvements in Marketing field. The 2nd respondent/ Indian Oil Corporation called for the Distributorship of LPG for the State of Tamil Nadu and Puducherry through advertisement on 06.02.2008 in the newspaper, The Hindu, under various categories.

3.The petitioner states that he belongs to Scheduled Caste community and possesses all necessary qualifications and submitted his application. The 2nd respondent asked the petitioner to appear before the Selection Committee for interview on 22.08.2009. The petitioner participated in the



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interview. However, his name was not placed in the merit panel list. One Mr.D.Muthukumar was empaneled as the first person and one Mr.V.K.Iyer was empaneled as the second person and the 4th respondent herein, Mr.K.R.Gowthaman was empaneled as the third person.

4.The learned counsel for the petitioner reiterated that the petitioner is fully qualified and possesses all required qualifications for the purpose of allotment of LPG Distributorship. However, the 4th respondent has been issued with the impugned Letter of Intent on certain extraneous considerations. The 4th respondent is not at all qualified. The 4th respondent, Mr.K.R.Gowthaman, has produced a false Experience Certificate, stating that he gained experience in Sastha Indane Gas Agencies for the period from April 2005 to October 2007. He has completed B.E. Degree in April 2005 and his father is already an allottee of LPG Distributorship at Tambaram. Without considering all these factors, the 4th respondent was issued with the impugned Letter of Intent, denying the rights of other eligible candidates and thus, the writ petition is to be considered. The petitioner raises certain allegations that the 4th respondent has not submitted the copy of the B.E. Degree Certificate along with his application. The Degree Certificate itself was issued in the year 2006. For all these reasons, the Letter of Intent issued in favour of the 4th respondent is to be set aside.

5.The learned counsel appearing on behalf of the 2nd respondent / Indian Oil Corporation, with reference to the allegations, has drawn the attention of this Court with reference to the application submitted by the 4th respondent, which is enclosed in Page No.27 of the Typed Set of Papers filed along with the writ petition, wherein, the 4th respondent has stated that he was a married person and completed his professional degree of B.E. (EEE) in Anna University in April 2005. Experience certificate was produced thereafter and the Letter of Intent was issued in the year 2010 and therefore, there is no reason to disbelieve the Experience Certificate submitted by the 4th respondent.

6.The learned counsel for the 2nd respondent further contended that the father allotted with a distributorship is not a bar, for a married son to submit an application independently, as a family unit consists of spouse and children and the 4th respondent, being a married person as per his application, is entitled to submit his application for allotment of Distributorship. Thus, there is no impediment for submitting an application, since the 4th respondent is not falling within the family unit of his father after his marriage.



7.The counter affidavit filed by the 4th respondent would reveal that the Experience Certificate, dated 08.03.2008, from M/s.Sabha Indane Gas Agencies, for the period from April 2005 to October 2007, Letter of Appointment dated 18.04.2005, Course Completion Certificate and Transfer Certificate issued by the Institution in which the 4th respondent studied, i.e., Anna University, and the copy of the Degree Certificate from the concerned University for completion of graduation in Engineering in November 2006, all submitted by the 4th respondent, were considered. Based on the documents filed by the eligible candidates, interview was conducted, marks were awarded and accordingly, the process of selection was concluded.

8.The learned counsel for the 4th respondent relied on the list of empaneled candidates for Indane Distributorship. As per the said list, the breakup details regarding the marks awarded are also indicated. The name of the petitioner is placed in Sl.No.123 and the petitioner secured 26.23 marks. The name of the 4th respondent is found in Sl.No.137 and he secured 27.17 marks. This apart, the Letter of Intent, which is impugned in the present writ petition, was issued on 15.07.2010 and the 4th respondent is running the LPG distributorship for the past more than ten years.

9.This Court is of the considered opinion that, certain allegations raised by the petitioner are clarified and further, the petitioner has secured lesser mark than that of the marks scored by the 4th respondent as per the list of Empanelment. This being the factum established, the petitioner has not established any acceptable legal ground for the purpose of interfering with the Letter of Intent issued in the year 2010 in favour of the 4th respondent.

Thus, the writ petition fails and stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nti/mkn



To

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(Marketing Division),
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Distributor Selection Committee,
Indian Oil Corporation Ltd.,
Marketing Division,
No.139, Mahatma Gandhi Road,
Nungambakkam, Chennai -34.

+1cc to M/s.Anand Abdul Vinoth Associates,Advocate, S.R.No.57760

+1cc to Mr.P.B.Sampath Kumar, Advocate, S.R.No.57385

+1cc to Mr.L.Jagadeesan, Advocate, S.R.No.57438

W.P.No.3784 of 2011

KV(CO)
SU(23/12/2021)