

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7240 of 2020(O&M)

Date of Decision: 07.12.2021

Jasvinder

....Petitioner

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner

Mr. Bharat Bhushan Sharma, Advocate
for the respondent – UOI

Mr. Ashish Kapoor, Advocate
for respondents No. 2 and 3

Mr. Amardeep Singh Virk, Advocate
for respondent No. 4

SUDHIR MITTAL, J.

The petitioner is aggrieved because offer made to him for supply of documents and filing an application under Group 3 has been withdrawn.

2. An advertisement dated 24.11.2018 was issued inviting applications for a retail outlet. Guidelines of even date for allotment of retail outlets also came into being. Respondent No. 4 was invited to submit necessary documents but having failed to do so, was declared ineligible vide order dated 14.07.2019. Thereafter, vide communication dated 19.07.2019, the petitioner was asked to submit his application alongwith necessary documents within three months under Group 3. Needful was done vide communication dated 03.09.2019 but the offer was withdrawn unilaterally vide communication dated 04.11.2019. The petitioner objected to the withdrawal vide objections dated 05.11.2019 (copy Annexure P-4).

The objections were rejected vide communication dated 10.02.2020 (copy

Annexure P-5). It was stated that the guidelines of 24.11.2018 had been amended. By virtue of the amendment, additional time of 20 days was to be given to the candidates who could not submit the relevant documents earlier. In view of the amendment, the offer to the petitioner has been withdrawn.

3. Learned counsel for the petitioner has submitted that withdrawal of the offer was illegal as is evident from communication dated 12.08.2019 (copy Annexure R-2/1). The said communication has carved out an exception to the amendment made in the guidelines. Another opportunity is to be provided only where the case has been kept open and no further action for selecting the next eligible candidate has been taken. The facts of this case show that the offer to Respondent No. 4 had been withdrawn and the case had been closed and action for selecting next eligible candidate had progressed.

4. Leaned counsel for respondents No. 2 and 3 states that the petitioner is reading the communications selectively. Document Annexure R-2/2 annexed with the written statement clearly shows that in cases where another applicant has not been selected, appropriate time as provided by the amendment was to be provided. In Group 3 offer has been made to five applicants including the petitioner and the offer made to all of them has been withdrawn. Thus, there is no illegality in the action nor has the petitioner been discriminated against.

5. Learned counsel for respondent No. 4 refers to the communication dated 10.02.2020 (Annexure P-5) wherein complete details of selection procedure have been given. According to the procedure followed, respondent No. 4 was the only applicant in Group 2 and he was declared ineligible as he did not submit the requisite documents in time. Meanwhile, the oil industry had made changes in the guidelines dated 24.11.2018, according to which additional time was to be given in cases such as the present one. The change also provided that where letters

opportunity would still be granted after necessary approval from the competent authority. Accordingly, after grant of necessary approval the impugned action was taken. The amendment to the guidelines is not under challenge in this writ petition and, thus, the petitioner does not deserve any relief.

6. From the submission made by counsel for the parties, it is evident that the Dealer Selection Guidelines dated 24.11.2018 have been amended as follows:-

“Additional time of 20 days will be given from the date of intimation of such extension, for submission of ISD as well as DOCUMENTS in cases where ISD/Documents not received within 10 days of reminder letter.

For cases where due date for ISD/DOC submission is over and letter intimating ineligibility has been sent, but another applicant has not been selected.

After necessary approval from competent authority in all such cases, extended time (20 days) for submission of ISD/DOC has to be given to applicant.

(All this will be applicable only in cases where another applicant for the location has not been selected. Selected means, Declared selected for balance single applicant & DOL/BO done in case of multiple applicant location)”.

7. From the above, it is revealed that where a subsequent offer has been made but a candidate has not been selected, the offer can be withdrawn and additional time can be granted to a candidate who could not supply documents within time. Respondent No. 4 had applied in Group 2 which pertains to candidates who have a firm offer of land. Petitioner is in Group 3 and there are

not offered any land as they are neither owners of any land nor do they have any proposal for offering the same by way of lease. Thus, a candidate is selected by draw of lots and the successful candidate is given time to make land available. Thus, it is a time consuming process and the oil company would prefer a candidate who has a firm offer. Respondent No. 4 has a firm offer being a candidate in Group 2 and the amended guidelines have been implemented uniformly without any discrimination or distinction. The amendment has not been challenged in this writ petition and action impugned being in accordance with the amended guidelines can not be faulted. Reliance upon *K. Manjusree vs. State of Andhra Pradesh, 2008(3) SCC 512* is misplaced. No one has been adversely affected by the action as amended guidelines have been applied uniformly without any discrimination.

8. Thus, the writ petition has no merit and is dismissed.

07.12.2021

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Whether speaking/reasoned
Whether Reportable :

(SUDHIR MITTAL)
JUDGE

Yes/No
Yes/No