

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.106

**CWP-18103-2021 (O&M)
Date of decision : 13.09.2021**

Baldev Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.P. Kaushal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is the brother of the erstwhile depot holder, namely, Mangal Singh. Mangal Singh died on 18.10.2020. Thereafter, the license of the depot has been allotted to respondent No.5 allegedly on 05.02.2021. This allotment is under challenge in this writ petition.

Learned counsel for the petitioner submits that being the brother of the deceased depot holder, the petitioner was entitled as of right to transfer of the license in his favour. In this regard, reference has been made to Clause-6 of the policy dated 15.06.2016 (Annexure P-3). The same having not been done, allotment of license to respondent No.5 is illegal. Next, it has been submitted that respondent No.5 did not possess the eligibility requirement for grant of license in terms of policy dated 15.06.2016 (Annexure P-3). An applicant must be upto 50 years of age. Respondent No.5 is above 50 years of age. Finally, it has been submitted that proper publication was not done while inviting applications for license. This is evident from resolution dated 06.01.2021 (Annexure P-2) passed by the Gram Panchayat in favour of respondent No.5.

I have carefully gone through the policy dated 15.06.2016 (Annexure P-3). Clause-6 thereof defines family and according

to the definition, husband, wife and dependent children are included. Further, it is provided that in case of death of a depot holder, his depot can be transferred in the name of mother, father, sister, brother, daughter-in-law, grand-son, grand-daughter provided the applicant was dependent upon the depot holder and taking into consideration sympathetic circumstances. There is nothing on record to show that the petitioner was dependent upon the deceased depot holder. Moreover, the stipulation referred to does not mandate that a claim made upon the death of a depot holder must be considered before considerations of claims of any other applicant. Thus, the argument is rejected. Regarding the age, Clause-4 of the policy states that an applicant must be 18 to 50 years of age and in case of widows of ex-servicemen and military widows, a concession of five years is provided in the upper age limit. Application of respondent No.5 is on record and according to the same, her date of birth is 05.06.1971. Thus, she became 50 years of old in June, 2021. The requirement is age of 18 to 50 years (both inclusive). Thus, it is wrong to submit that respondent No.5 does not fulfill the age criteria. Whether, proper publication was done or not, cannot be proved on the basis of resolution dated 06.01.2021 (Annexure P-2) and accordingly, this argument is also rejected.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

13.09.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No