



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1367 of 2022
in
C.M.P.No.8754 of 2022

R.Bagavathi

..Appellant

Vs

1. Indian Oil Corporation Limited,
rep. by its General Manager (Retail Sales),
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet, Chennai-18.

2. AL.Vivek

..Respondents

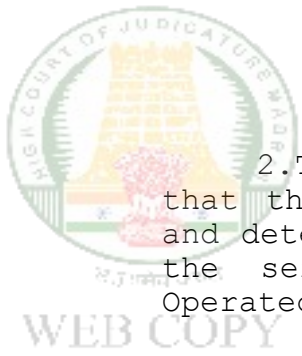
Prayer:Appeal filed under Clause 15 of Letters Patent against the order dated 07.12.2021 passed in W.P.No.5027 of 2021.

Prayer in W.P.No.5027 of 2021: Writ Petition filed under Article 226 of the Constitution of India, Praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating with the declaration of the result dated 4.12.2020 issued by the respondent for the selection of a service provider in corporation owned and corporation operated (COCO) petrol outlet at Indira Nagar, Chennai in respect of petitioner not select alone as arbitrary and illegal and quash the same and in consequence to direct the respondent to extend the tenure as service provider of the petitioner in the above sid COCO outlet for one more year as contemplated in the offer letter dated 9.11.2017.

For the Appellant : Mr.R.Kannan

JUDGMENT
(Delivered the Hon'ble Chief Justice)

This writ appeal has been filed to challenge the order dated 7.12.2021 passed by the learned Single Judge dismissing the writ petition.



2.The challenge to the order has been made on the ground that the issue raised in the writ petition was not considered and determined against the selection of the second respondent as the service provider in Corporation Owned and Corporation Operated (COCO) Petrol Outlet at Indira Nagar, Chennai.

3.Learned counsel for the appellant submitted that the selected candidate was awarded marks towards experience based on the forged document and, therefore, the selection was questioned and otherwise, the writ petitioner/writ appellant stood as number two in the select list.

4.We have considered the submissions made by learned counsel for the writ appellant and find that if the writ petitioner/writ appellant was having any grievance against the selection of the second respondent, the remedy was to approach the Grievance Redressal Committee, as has been stated in paragraph 19 of the Guidelines for selection of Service Provider for providing Manpower and Services at Company Owned Company Operated (COCO) Retail Outlets quoted hereunder:

"19. Grievance Redressal:

Any complaint should be accompanied by a free of Rs.1000/-, in the form of demand draft of schedule bank only, in favour of the Oil Company. Any complaint received without this fee will not be entertained. The complaint received against the selection including eligibility will be disposed off as under:-

(i) An aggrieved person may send his/her complaint to the concerned Divisional Office/Regional Office/Territory Office. Complaints received before or after the selection process/declaration of result, will be kept in record and investigation carried out after 30 days of declaration of result only in the following cases:-

- General complaints with verifiable facts
- Complaints against selected candidate

(ii)Any complaint received after 30 days from the date of declaration of results will not be entertained.

(iii)Representation from applicants against rejection of his/her candidature will be verified and disposed of immediately by the Divisional/Regional/Territory Manager before proceeding to next stage. For such cases, fee of Rs.1000/- will



not be applicable.

(iv) Anonymous complaints without verifiable facts will not be investigated.

WEB COPY

(v) Complainant would be required to submit details of allegation with a view to prima facie substantiate the allegations along with supporting documents. If during the investigations, complaint is found to be false and/or without substance, the Oil Company reserved the right to take action against the complainant as provided under the law and fee shall be forfeited.

(vi) In case a complaint is received against an applicant, who has not been selected, the same will be kept in abeyance. In case the LOI against selected candidate is cancelled and the applicant against whom the complaint was received gets selected, the complaint will only then be investigated.

(vii) If a decision is taken to investigate the complaint, decision on the complaint will be taken as under and intimated to the complainant:-

a) Complaints not substantiated:

In case the complaint is not substantiated it will be filed and complaint fee will be forfeited.

b) Established Complaints:

In case of established complaint, suitable action would be taken and complaint fee collected would be refunded."

5. Learned counsel for the appellant is unable to give reason for not approaching the Grievance Redressal Committee where the factual issues could be considered, which includes as to whether the experience certificate produced by the second respondent was sustainable or not. These factual aspects cannot be considered by this Court exercising jurisdiction under Article 226 of the Constitution of India. We do not find any pleading in the writ petition to justify availing the extraordinary remedy under Article 226 of the Constitution of India without approaching the Grievance Redressal Committee.

6. For the reasons aforesaid, we do not find any reason to cause interference in the order of the learned Single Judge when the private respondent is now operating the COCO Retail Outlet.



The writ appeal fails and it is accordingly dismissed. There will be no order as to costs. Consequently, C.M.P.No.8754 of 2022 is closed.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bbr

To

The General Manager (Retail Sales),
Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet, Chennai-18.

+1cc to Mr.R.Kannan, Advocate, S.R.No.40325

+1cc to the Government Pleader, S.R.No.40953

W.A.No.1367 of 2022

SKM(CO)
RGA(07/07/2022)