



WP No.5402 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.5402 of 2009

And

MP No.1 of 2009

D.Dakshinamoorthy

..

Petitioner

VS.

1.The Executive Director,
Indian Oil Corporation Ltd.,
Tamil Nadu State Office,
Indian Oil Bhavan,
No.139, N.H.Road,
Chennai-600 034.

2.Committee of Senior Officers,
Indian Oil Corporation Ltd.,
Tamil Nadu State Office,
Indian Oil Bhavan,
No.139, N.H.Road,
Chennai-600 034.



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3.The Dealership Selection Committee,
IBP Co. Ltd., (Now known as Indian Oil
Corporation Ltd.,)
No.10, Mayor V.Ramanathan Road,
Chetpet,
Chennai-600 031.

4.The Divisional Manager,
IBP Co. Ltd., (Now known as Indian Oil
Corporation Ltd.,)
No.10, Mayor V.Ramanathan Road,
Chetpet,
Chennai-600 031.

5.K.Ramalingam .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in Ref No.TNLA/WP 48692/3 and quash the orders dated 15.12.2008 made therein and consequently direct the first respondent to award the dealership of rural retail outlet (GSK) SRMP No.144, Ananthapuram, Villupuram District to the petitioner.

For Petitioner : Mr.S.R.Sundar

For Respondents-1 to 4 : Mr.R.Ravi



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For Respondent-5 : Ms.G.Sumithra

ORDER

The order of rejection dated 15.12.2008 passed by the first respondent rejecting the claim of the petitioner to appoint him as Dealer for Retail Outlet, is under challenge in the present writ petitioner

2. The petitioner even at the time of filing of the present writ petition was aged about 58 years and the writ petition was filed in the year 2009 and is pending for the past about 14 years.

3. The petitioner now is aged about 72 years. The petitioner challenges the order dated 15.12.2008 passed by the first respondent rejecting his claim to appoint him as Dealer for Retail Outlet of petroleum products.



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4. It is pertinent to note that the order of disqualification was challenged by the petitioner in WP Nos.48692 and 48693 of 2006 and this Court passed final orders dismissing WP No.48693 of 2006 and disposing of WP No.48692 of 2006.

5. The Committee constituted by the General Manager/Executive Director was directed to enquire into the matter and decide the issue on merits and as per law.

6. Pursuant to the directions issued by this Court, again the Committee elaborately considered and rejected the claim of the writ petitioner through impugned proceedings on 15.12.2008.

7. The impugned proceeding was issued in the year 2008 and the disqualification was upheld by Indian Oil Corporation and also by this Court. Now the petitioner seeks appointment as Dealer to run Retail Outlet



of petroleum products.

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8. On account of efflux of time, such a relief of appointment to the petitioner, cannot be granted by this Court in writ proceedings.

9. Appointment of Dealers to run Retail Outlets are to be granted in accordance with the procedures contemplated, which all are in force and the petitioner as of now is aged about 72 years. If at all, he is eligible as per the Rules prevailing, he is at liberty to participate in the process of selection, if any notified by Indian Oil Corporation.

10. Appointment of Dealer to run Retail Outlet at this length of time cannot be considered and the fact that the disqualification was already confirmed, more-so, the petitioner is now aged about 72 years.

11. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the



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connected miscellaneous petition also dismissed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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