



W.A.No.1236 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1236 of 2023

and

C.M.P.No.12476 of 2023

S.Jawaharlal

... Appellant

-vs-

Indian Oil Corporation Limited
Represented by its Senior Regional Manager
Indane Area Office
500, Anna Salai, Teynampet,
Chennai – 600 018.

... Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 18.04.2023 in W.P.No.3591 of 2017 on the file of this Court.

For the Appellant : Mr.M.Sriram

For the Respondent : Mr.Ananda Natarajan



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J U D G M E N T

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Sriram, learned counsel for the appellant and Mr.Ananda Natarajan, learned counsel for the respondent Corporation.

2.The present appellant had filed writ petition bearing No.3591 of 2017 challenging the order dated 01.02.2017 passed by the present respondent, thereby communicating the petitioner that the petitioner's candidature shall not be considered further on account of having not produced the fund availability, as per the Guidelines for Selection. The learned Single Judge dismissed the Writ Petition by order dated 18.04.2023, aggrieved by which, the present Writ Appeal.

3.Learned counsel for the petitioner strenuously contends that the condition was that the petitioner or his family unit should possess an amount of Rs.10,00,000/- in the Bank. The petitioner filed his application on 21.10.2013. On the said date, the petitioner had shown an amount of more than Rs.10,00,000/- standing in the account of the present petitioner and his mother. According to the learned counsel,



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the respondent asked the petitioner to produce further documents, as on the last date of filing the application, a sum of Rs.10,00,000/- was not in the account of the present petitioner. The petitioner produced the Statement of Account of his father who had an amount of Rs.10,00,000/- as Fixed Deposit in a Co-operative Society. According to the learned counsel, the same ought to have been considered, as the father is also a part of the family unit. The same has not been properly considered by the respondent authority nor by the learned Single Judge.

4.Learned counsel for the respondent Corporation submits that the condition No.11 of the Application Form categorically states that the amount declared in each case must be available as closing balance on the last date for submission of application as specified in the advertisement and the same will be verified during the field verification. Admittedly, the petitioner withdrew the amount from his own account and the balance available on the last date for submission of application was only Rs.500/-. The petitioner did not mention the Fixed Deposit of his father in the application, moreover, had submitted the details of his father's account and the same was not in any



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Schedule Bank or Post Office and it was only in a Society, which is not a Bank.

5.We have considered the submissions made by the learned counsel for the parties and we have also gone through the order passed by the learned Single Judge.

6.Clause 11 and the Note appended to the clause does not admit of any ambiguity. Note to Clause 11 succinctly states that the amount declared in each case must be available as closing balance on the last date for submission of application. The petitioner had shown an amount of Rs.5,25,000/- in his account and an amount of Rs.5,00,100/- as available in his mother's account. It would appear that the said application was made on 21.10.2013. The last date for submission of application was 22.10.2023. The Statement of Account produced on record demonstrates that the petitioner, on 21.10.2013, deposited Rs.5,00,000/- in his account and on the same day, withdrew the sum of Rs.5,00,000/-. The deposit of Rs.5,00,000/- shown by the petitioner was an eyewash. Even he did not wait till the last date for submission of application. The purpose of having a clause in the



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advertisement that the applicant shall possess Rs.10,00,000/- in his Bank account is to ascertain his financial capability and capacity. Even the amount of Rs.10,00,000/- said to be held by the petitioner's father, though not mentioned by the petitioner in his application, was not in any Schedule Bank or Post Office and it was only in a Society.

7.The learned counsel for the petitioner submits that this clause that Rs.10,00,000/- should be available in the Bank account till the last date of application was exempted in the Guidelines for the year 2016. Whereas, the learned counsel for the respondent Corporation disputes the same. The covenants as applicable on the date of application will have to be considered.

8.For all the aforesaid reasons, we do not find any illegality or error in the order passed by the learned Single Judge. Therefore, the writ appeal is dismissed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Neutral Citation : Yes/No
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(S.V.G., CJ.)

(P.D.A., J.)

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(mkn)

To

The Senior Regional Manager
Indian Oil Corporation Limited
Indane Area Office
500, Anna Salai, Teynampet,
Chennai – 600 018.

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