

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

102

CWP-25814-2018

Date of Decision : 27.07.2023

Satish Arya

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Gaurav Grover, Advocate
for the petitioner.

Mr. Nikhil K.Chopra, Sr. Standing Counsel
for respondents No.1 to 3.

Mr. Raman Sharma, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to allot petrol pump/gas agency or to pay compensation/benefits for grossly failing to do their public duty towards the petitioner.

2. The case of the petitioner is that father and grandfather of the petitioner were freedom fighters and they struggled for the freedom of the country. They were physically and mentally tortured by the British Authorities. The petitioner is entitled to allotment of petrol pump/gas agency or in alternative compensation/benefit from the respondents for failing to perform their public duty towards the petitioner.

3. Learned counsel for respondent No.4-HPCL submits that there

is no policy in vogue entitling the petitioner for allotment of petrol pump/gas agency.

4. Mr. Nikhil Chopra, Advocate for respondent Nos.1 to 3 submits that as per instructions, there is no policy of the Central Government which endows the petitioner to claim petrol pump or gas agency.

5. Mr. Gaurav Grover, Advocate submits that petitioner has never been considered for the allotment of petrol pump/gas agency even though he is making representation since 1992.

6. Mr. Sharma, Advocate pointing out letter dated 11.05.2017 of Government of India, Ministry of Petroleum & Natural Gas submits that there is no discretionary quota scheme after 2006 because scheme of discretionary quota was abolished in 2006. The respondent-Oil Company is not authorised to distribute agency on the basis of quota. He further submits that as and when there is advertisement wherein quota is provided for the freedom fighters, the case of the petitioner would be considered if he applies and found eligible.

7. From the record, it comes out that Central Government has abolished discretionary quota in the year 2006, thus, respondent-Corporation is unable to allow petrol pump/gas agency to the petitioner on the ground of being grandson/son of freedom fighters. The petitioner is at liberty to apply as and when Government or Corporation invites applications for allotment of petrol pump/gas agency on the basis of freedom fighters quota.

8. This Court has no authority to ask Central Government to frame policy for allotment of petrol pump/gas agency to next of kin of the

freedom fighters.

9. Disposed of.

27.07.2023
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(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>