

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18628 of 2024

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1. Binay Kumar Singh @ Vinay Kumar Singh, S/o Late Chanak Lal Singh Resident of Village- Launa, P.S.- Tarapur, District- Munger.
 2. Rinku Kumari, W/o Binay Kumar Singh @ Vinay Kumar Singh Resident of Village- Launa, P.S.- Tarapur, District- Munger.

... .. Petitioner/s

Versus

1. The Chief Vigilance Officer, Indian Oil Corporation, New Delhi.
2. The Director, (LPG and PP) Indian Oil Corporation, New Delhi.
3. The Chief General Manager (LPG- Sales), IOCL, State Office, Patna.
4. The Executive Director, IOCL, State Office, Patna.
5. The Divisional LPG Head, Indane Divisional Office, Begusarai.
6. The Chief Area Manager, IOCL, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh, Adv.
For the UOI	:	Dr. Krishna Nandan Singh, Sr. Dv. IOCL
		Mr.Sanat Kumar Mishra, Adv. IOCL
		Mr. Amarjeet , Adv.
		Mr. Abhijeet Gautam, JC to ASG

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 02-04-2025 Learned counsel appearing on behalf of the

petitioners has stated that the distributorship of the petitioners has been suspended solely on the ground that they are gainful employed elsewhere. Learned counsel has stated both petitioners are husband and wife, and due to financial difficulties, the petitioner no. 1 was working as night guard and the petitioner no.2 was worker of Swach Bharat Mission. That their employment did not in any manner curtail the operations of the distributorship nor the corporation suffered any loss. Learned counsel has stated that as on date the petitioners are not



gainfully employed anywhere and they have already resigned from their posts. Learned counsel has stated that the respondents authority may be directed to revoke the suspension order and permit the petitioner to continue with the distributorship.

2. Per contra, the learned senior counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition. Learned counsel has stated that the petitioners have straightaway approached this Hon'ble Court challenging the show cause notice, the petitioners may be directed to give a suitable reply to the show cause notice or give their representation before the concerned authority and the concerned authority ventilating their grievance and the authority shall consider the same and pass the necessary orders.

3. Having regard to the above mentioned facts, without going into the merits or demerits of the case, the present writ petition is disposed of directing the petitioners to give a suitable reply to the show cause notice or representation. On such reply or representation being given, the concerned authority shall consider the same and pass necessary orders. The concerned authority while passing the order shall duly take into consideration the fact that the petitioners are not gainfully employed anywhere at present and the lapses if any committed



by the petitioners has to be looked at sympathetically. Further as seen from the record more particularly the ruler/guidelines issued by the corporation, there is no embargo as such for taking any employment but the same is permissible provided the distributor taken prior permission before taking any employment. In this case the petitioners have admittedly not taken the said permission. However the authorities have to consider the fact as to whether not taking of the prior permission would entail the cancellation of the Distributorship more so when there is no loss to the corporation or there is no effect on the day to day operations. In case the authority come to the conclusion that the suspension is to be recalled, the petitioner shall file an undertaking before the concerned authority stating that in future they will not seek any kind of employment at any time.

4. The entire exercise to be completed within eight weeks from the date of receipt of the order.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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