



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

101+246

**CM-128-LPA-2025 in/and
LPA-1070-2018 (O&M)
Date of Decision: 25.02.2026**

Sukhdev Singh**....Appellant****Versus****Union of India and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Jagdish Manchanda, Senior Advocate with
Mr. Jatin Sardana, Advocate
Mr. Akash Choudhary, Advocate and
Mr. Nischal Manchanda, Advocate
for the appellant.

Mr. Bhavana Dutta, Senior Panel Counsel
for respondent No.1 – UOI.

Mr. Ashish Kapoor, Advocate and
Mr. M.S.Rana, Advocate
for respondents No.2 to 4.

Mr. Raman Sharma, Advocate
for respondents No.5 to 8.

Mr. Rajnish Gupta, Advocate
for respondent No.9.

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 10.05.2018 passed in CWP-395-2018 by the learned Single Judge, by which, the plea raised on behalf of the appellant seeking quashing of advertisement dated 13.08.2017 (Annexure P-6) vide which the LPG distributorship for the



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location of Bhuna, Tehsil Guhla, District Kaithal, has been changed from OBC category to SC (w) category on the ground that it is in violation of the provisions of Brochure/Unified Guidelines for selection of LPG Distributor issued by respondents vide Annexure A-1, has been rejected.

2. Certain facts need to be appreciated for the correct appreciation of the issue in hand.

2.1 The respondents issued an advertisement for LPG distributorship for different categories at different locations in the State of Haryana under Rajiv Gandhi Gramin LPG Distributor (for short, 'the RGGLV'). The said advertisement was issued on 30.06.2013 and in the advertisement, the location at Bhuna was reserved for OBC (GP) category. In order to compete in the category OBC (GP), the candidate can compete upto the age of 60 years whereas, for the OBC category, the maximum age to compete was 45 years. As the appellant was already above 45 years of age but less than 60 years, he was considered eligible under OBC (GP) category qua location Bhuna, District Kaithal.

2.2 The advertisement dated 30.06.2013 was subsequently withdrawn by respondent–Oil Companies and a fresh advertisement was issued on 29.03.2015. In the said advertisement, the location at Bhuna was reserved for OBC category instead of OBC (GP) category. The said fact rendered the appellant ineligible as he had already crossed the maximum age of 45 years to compete for the said location. Being ineligible, the appellant could not compete qua the said advertisement for location at Bhuna and he never competed. It may be noticed that even the said advertisement dated 29.03.2015 was not challenged by the appellant on the ground that earlier the



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said location was reserved for OBC (GP) category, whereas in the advertisement dated 29.03.2015, the same was reserved for OBC category, rendering the appellant ineligible.

2.3 Unfortunately, even the advertisement dated 29.03.2015 was also cancelled as, the Ministry of Petroleum and Natural Gas vide its letter dated 14.07.2016 advised all the oil companies to cancel the advertisements of all the locations of RGGLVs where draw and re-draw is yet to be conducted and ultimately, accepting the same, the advertisement dated 29.03.2015 was withdrawn vide newspaper publication dated 08.11.2016 by the respective Oil Companies.

2.4 Keeping in view the directions which were issued by the Ministry of Petroleum and Natural Gas a new criteria was evolved and on the basis of the same, the locations were identified and keeping in view the 200 point roster, which was to be maintained, a fresh advertisement was issued on 13.08.2017. In the said advertisement, the location at Bhuna was reserved for SC (women) category. The same also rendered the appellant ineligible to compete for the location at Bhuna.

2.5 It may be noticed that in the advertisement, when all India locations were advertised qua Haryana, 53 locations were advertised and out of the 53 locations, 14 locations were reserved for OBC category including the OBC (GP) category.

2.6. Though, as per the advertisement dated 13.08.2017 some of the locations in OBC (GP) category were advertised and the appellant was eligible for the same but as the locations were not to the liking of the appellant, he never competed for it, Rather, he challenged the advertisement dated



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13.08.2017 to raise a plea that location at Bhuna, which was initially offered to OBC (GP) category in the year 2013, could not have been changed to SC (women) category in the advertisement dated 13.08.2017.

2.7 Keeping in view the reply filed by the respondent that the appellant never competed for other locations whereas he could have competed against the other locations which were reserved for OBC (GP) category, the claim of the appellant that location at Bhuna should be reserved for OBC (GP) category, is incorrect as, under the revised 200 point roster, the said location was allocated to SC (women) category.

2.8 The learned Single Judge after appreciating the facts, came to the conclusion that the claim of the appellant that location at Bhuna should be reserved for OBC (GP) category so as to treat him eligible for the said location, cannot be accepted and further that the location at Bhuna was reserved for SC (women) category on the basis of the revised 200 point roster which was being maintained keeping in view the revised assessment of all the locations and it was further held that as out of the 53 locations in Haryana, 14 locations were reserved for OBC category which is in line with the roster points allocated in the 200 point roster and the percentage of reservation of OBC category has been maintained on industry basis for the state of Haryana, hence, the claim of the appellant cannot be accepted.

2.9 The said judgment dated 10.05.2018 is under challenge in the present appeal.

3. The Learned Senior Counsel appearing on behalf of the appellant argues that once, on the basis of the roster which existed in the year 2013, the location at Bhuna was reserved for OBC (GP) category, the same could not



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have been changed by way of subsequent advertisement issued in the year 2015 and 2017. The Learned Senior Counsel further submits that the respondents were under obligation to reserve the same for OBC (GP) category.

4. The Learned Senior Counsel for the appellant submits that keeping in view the total reservation provided and the locations advertised by the different companies, 27% reservation prescribed for OBC category was not achieved and therefore, the location at Bhuna should be treated as reserved for OBC (GP) category so as to make the appellant eligible.

5. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that as of now, for the last 9 years, the location at Bhuna which had already been advertised in the year 2017 to be filled from SC (women) category, a scheduled caste women is already running the said location.

7. The argument which has been raised by the Learned Senior Counsel for the appellant is that the location at Bhuna once advertised under the reserved category of OBC (GP) in the year 2013, such reservation cannot be changed subsequently in view of the criteria of the 200 point roster system, which is to be followed.

8. It may be noticed that the location at Bhuna was changed from OBC (GP) category to OBC category in the year 2015 itself and the said advertisement was never challenged by the appellant, though, he became ineligible as far back as in the year 2015 itself.

9. Though, qua the advertisement issued in the year 2015, the LPG

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distributorship qua location at Bhuna could not be finalized due to the guidelines issued by the Ministry of Petroleum and Natural Gas whereby all the advertisements were cancelled to re-assess the market, the said process was undertaken by all the oil companies and fresh advertisement was issued in the year 2017 so as to apply 200 point roster afresh. In the said roster, out of the 53 locations, 14 locations were given to OBC category and OBC (GP) category, which fact is not disputed even by the Learned Senior Counsel for the appellant and in the advertisement a location was reserved for OBC (GP) category but said location was not to the liking of the appellant.

10. Once, out of 53 outlets to be allocated in Haryana, the due share of 14 outlets were reserved for OBC category and OBC (GP) category, the argument that a particular station at Bhuna should also be reserved for OBC (GP) category, cannot be accepted. The same will increase the percentage of reservation for OBC category, which is not permissible even otherwise.

11. Further, even if initially in the year 2013, the location at Bhuna was reserved for OBC (GP) category, but the same stood changed in the year 2015 to OBC category qua which no grievance was raised by the appellant. Once, the challenge was not raised to the advertisement of 2015, where the appellant became ineligible due to the change in the reserved category of location at Bhuna from OBC (GP) category to OBC category, the subsequent challenge to the advertisement issued in the year 2017 is not at all maintainable.

12. Further, the said location at Bhuna got reserved for SC (women) category vide advertisement dated 13.08.2017 keeping in view the revised assessment done by all the oil companies on the directions of the Ministry of



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Petroleum and Natural Gas once, the said exercise was undertaken, a 200 point roster was restarted which led to the reservation of the location at Bhuna for SC (women) category. The said act on the part of the companies cannot be treated as arbitrary or illegal or without any valid justification.

13. Once the roster point was restarted, which finding has also been given by the learned Single Judge, and according to which 200 point roster, the location at Bhuna was reserved for SC (women) category, merely that at one given point of time, the same was reserved for OBC (GP) category, cannot be treated as a ground to accept the plea of the appellant that the said location has to be reserved for OBC (GP) category in future as well.

14. Further, it may be noticed that once, out of the total 53 locations in Haryana, 14 locations were reserved for the OBC category, in case location at Bhuna is also reserved, the same will go beyond the prescribed 27% of reservation. The reservation cannot be exceeded hence, even on the said account, the benefit cannot be granted to the appellant so as to declare that the location at Bhuna has to be reserved for OBC (GP) category so as to make the appellant eligible.

15. As far as the argument of the Learned Senior Counsel for the appellant that total reservation for OBC category is not completed it is noticed that same is being argued on all India basis but as far as the State of Haryana is concerned, reservation in form of OBC category is complete. Location at Bhuna, qua which the appellant is litigating, is in the State of Haryana. Hence, no grievance can be raised.

16. As mentioned earlier, as per the advertisement dated 13.08.2017, the private respondent, who is a scheduled caste women is already running the



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LPG outlet for the last 9 years. That being so, now at this stage, accepting the plea will be unsettling everything, which is not permissible.

17. Further, in case the plea of the appellant is to be accepted that the outlet at Bhuna is to be reserved for OBC (GP) category, then one outlet of OBC (GP) category which was allotted to one of the 14 reserved, is to be taken back for such allottee, which cannot be done as, an entitled person in OBC (GP) category, who had applied for the same and was allotted, is already running the same especially when such person is not party to the present appeal.

18. No further argument has been raised.

19. Keeping in view the totality of the facts and circumstances, as no perversity has been shown in the impugned order dated 10.05.2018 passed by the learned Single Judge, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

20. Accordingly, the appeal is dismissed.

21. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 25, 2026

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No