

(2014) 01 P&H CK 0177

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 26986 of 2013 (O&M)

Raminder Singh

APPELLANT

Vs

Bharat Petroleum
Corporation Ltd.

RESPONDENT

Date of Decision: Jan. 15, 2014

Acts Referred:

- Constitution of India, 1950 - Article 226, 227

Citation: (2014) 175 PLR 392

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Advocate: Jaswinder Singh, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Ritu Bahri, J.

This petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the order dated 30.08.2013 (Annexure P-9), vide which, the application made by the petitioner for appointment of distributor under Rajiv Gandhi Gram in LPG Scheme, Punjab, has been dismissed. He also sought quashing of the communication dated 16.11.2013 (Annexure P-7). Vide Annexure P-1, LPG outlets were proposed to be allotted in different districts of Punjab i.e. Fazilka, Moga, Hoshiarpur, Amritsar, Gurdaspur and Pathankot. The petitioner applied, as per the said application, on 29.12.2011. Along with the application, he had attached all the relevant documents, including details of saving bank account No. 11442609304 in the State Bank of India, Smadhbai, and the amount standing in the said account i.e. Rs. 2,03,102/-. He had a fixed deposit with account No. 31804260943 in his own name for a sum of Rs. 2,00,000/-. In the list issued on 05.03.2013 (Annexure P-3), the petitioner was found eligible for the draw of lots to be held for selection in the said scheme in the open category. Thereafter, a letter dated 18.05.2013 (Annexure P-4) was received from the office of respondent

No. 2, stating therein that the petitioner had qualified for the draw of selection and he was required to be present on 14.06.2013 at the office of BPCL, Territory Office and LPG Bottling Plant, A-1 and A-2, PSIEC, Growth Centre, Mansa Road, Bathinda for the draw. Eight candidates had been found eligible vide final list dated 05.03.2013 (Annexure P-3). On 14.06.2013, draw of lots was held and the petitioner was duly selected. Thereafter, vide letter dated 30.08.2013 (Annexure P-9), the petitioner was informed that his candidature has been rejected on the ground that he does not fulfill two mandatory conditions as per Annexure P-1, firstly, that in his application, he has stated that he was the lone account holder in State Bank of India, Smadhbhai, however, on verification it was found that the said account was in the joint name of the petitioner, his brother Manjit Singh and mother Smt. Nirmal Kaur. Secondly, the FD, which was required to be in the name of the petitioner, was also in joint name with his brother. Hence, the essential conditions, as per Annexure P-1, did not fulfill by the petitioner.

2. Clause (f) of condition No. 3 of the advertisement (Annexure P-1) reads as under:

"(f) have minimum total amount of Rs. 2 lakhs put together from saving accounts in Bank (as on date of application), free and unencumbered fixed deposits in scheduled banks, Kisan Vikas Patra, NSC, bonds, any other investment etc. in the name of self or family members of the "Family Unit" as defined above. (In case of RGGLV locations reserved under "SC/ST" category, applicants with less than Rs. 2 lakhs are also eligible also apply). For evaluation purpose, marks will be awarded to applicants of all categories based on the amount mentioned in the application."

3. As per the aforesaid condition, a candidate was required to have an amount of Rs. 2 lakhs in his saving bank account alone or family members of the "Family Unit" to fulfill the necessary condition of eligibility.

4. As per order dated 30.08.2013 (Annexure P-9), the candidature of the petitioner for allotment of LPG outlet was rejected on the ground that the bank account, mentioned by the petitioner in his application, was in the joint name with his brother Manjit Singh and mother Smt. Nirmal Kaur. The definition of "Family Unit" as per Annexure P-1, is as under:-

""Family Unit" in case of married person/applicant, shall consist of individual concerned, his/her spouse and their unmarried son(s)/daughter(s). In case of unmarried person/applicant, "Family Unit" shall consist of individual concerned, his/her parents and his/her unmarried brothers) and unmarried sister(s). In case of divorcee, "Family Unit" shall consist of individual concerned, unmarried son(s)/unmarried daughters) whose custody is given to him/her. In case of widow/widower, "Family Unit" shall consist of individual concerned, unmarried sons(s)/unmarried daughters)."

5. Hence, the petitioner, while having a joint account in the name of his brother and mother, could not fulfill the eligibility criteria as per Annexure P-1. Moreover, the FD,

which was required to be in the name of the petitioner, was also in the joint name with his brother. Apart from the above condition, he was required to have a plot of clear ownership title. While exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot grant relaxation in the eligibility criteria for allotment of LPG outlet, as laid down in Annexure P-1. Since the petitioner is not able to show that on the date of draw i.e. 14.06.2013, he had fulfilled the necessary conditions, he ground is made out to interfere in the impugned orders.

Dismissed.