
(2012) 10 CHH CK 0027
In the Chhattisgarh High Court
Case No : Writ Petition C No. 1066 of 2012

Deepak Kumar Agrawal

APPELLANT

Vs

Indian Oil Corporation Limited and Others

RESPONDENT

Date of Decision : 04-10-2012

Acts Referred:

Citation : AIR 2013 Chh 21 : (2012) 4 MPJR 57

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Advocate : Parag Kotecha, for the Appellant; Anand Shukla, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Shri Satish K. Agnihotri, J.—Challenge in this petition is to the communication dated 12.05.2012 issued by the respondent No. 2, whereby the application of the petitioner for award of LPG Distributorship at Sariya, District Raigarh under CC category, advertised on 01.11.2011, was rejected. The petitioner further seeks a direction to the respondent authorities to award the LPG Distributorship for the aforesaid place, to the petitioner. Shri Kotecha, Learned Counsel appearing for the petitioner submits that the petitioner has fulfilled all the basic requirement and is eligible for allotment of the Distributorship. The ground on which his application has been rejected, is not proper as the offences indicated in the impugned communication are not of moral turpitude or economic offences. Thus, his candidature could not have been rejected without holding that the offences for which the petitioner was convicted, were of moral turpitude or were of the nature of economic offences. Shri Kotecha further submits that more than seven years have elapsed, and thus, his past conduct should not be taken into consideration while awarding distributorship. In support of his contention, Shri Kotecha relies on a decision of the Supreme Court in Commissioner of Police & Others v. Sandeep Kumar.

2. On the other hand, Shri Shukla, Learned Counsel appearing for the petitioner

submits that clause 6(ix) of the eligibility criteria for Rajiv Gandhi Gramin LPG Vitarak (for short "the RGGLV") as mentioned in the broucher reveals that the applicant should have not been convicted or charges been framed by any Court of law for any criminal offence involving moral turpitude/economic offences. The petitioner has been imposed with a penalty of fine several times under the Gambling Act since the year 2002 to 2006. Thus, looking to his conduct, his application for award of Distributorship was rejected. Even in clause 10(J) of the advertisement dated 01.11.2011, it is provided that the applicant should not have been convicted for any criminal offence including the offence of moral turpitude or economic offence. There is no illegality or infirmity in the order sought to be impugned herein.

3. Heard Learned Counsel appearing for the parties, perused the pleadings and documents appended thereto.

4. It is an admitted fact that the petitioner was convicted several times under the provisions of Gambling Act and was imposed with penalty of fine. The advertisement itself provides that the applicant should not have been convicted for any criminal offence including moral turpitude or economic offence. Even clause 6(ix) of the eligibility criteria for RGGLV provides that the applicant should not be involved in any economic offence or offence related to moral turpitude. Thus, in the aforesaid facts and circumstances, the petitioner does not fulfill the criteria and norms fixed by the respondent Company, and his candidature was rightly rejected.

5. Reliance of the petitioner on a decision of the Supreme Court in Sandeep Kumar (supra), is of no assistance as the said case is related to the service jurisprudence. In the said case, the offence was committed by the petitioner therein at the age of 20 years. In the instant case, the petitioner is aged about 33 years, and the offences appears to have been committed by him from the year 2002 to 2006, several times. Thus, it cannot be said that he had committed minor indiscretions at a young age and a lenient view can be adopted.

6. The Supreme Court, in Sushil Kumar Singhal v. Regional Manager, Punjab National Bank, has defined the term "moral turpitude" as under:

25. In view of the above, it is evident that moral turpitude means anything contrary to honesty, modesty or good morals. It means vileness and depravity. In fact, the conviction of a person in a crime involving moral turpitude impeaches his credibility as he has been found to have indulged in shameful, wicked and base activities.

7. Conviction of the petitioner in the Gambling Act and imposition of penalty, itself involves moral turpitude. The advertisement also provides that the applicant should not have been convicted for any criminal offence, or offence relating to moral turpitude or economic offence. Indulging into gambling is a clear case of moral turpitude and also an economic offence. Thus, the contention of the petitioner that his candidature could not have been rejected, before

holding that the that he was convicted for the offence involving moral turpitude, or economic offence, is rejected. In view of the above, no fault can be found with the communication dated 12.05.2012 (Annexure P/3). Resultantly, the writ petition is dismissed with no order as to costs.