
(2021) 12 UK CK 0228

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 213 Of 2018

Jai Singh Bisht

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 21-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0228

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Navnish Negi, V.K. Kohli, I.P. Kohli

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Indian Oil Corporation Ltd. issued an advertisement dated 11.10.2014 inviting applications for appointment as dealer for Kishan Seva Kendra Rural Outlets. Petitioner and respondent no. 4 applied pursuant to said advertisement for Padampur-Sukhro (Kotdwar-Bhabar Road) and both were found eligible. In the draw of lots, respondent no. 4 was selected and was appointed as 'Dealer'. Petitioner made complaint against selection of respondent no. 4 on the ground that his land is not at the advertised location, which was dismissed. Thus, feeling aggrieved, petitioner has approached this Court.

2. Contention of petitioner is that the retail outlet was meant for Padampur-Sukhro (Kotdwar-Bhabar Road) and petitioner's land is at the advertised location, whereas, land belonging to respondent no. 4 is situate on Devi Road, Kotdwar, therefore, respondent no. 4 was wrongly appointed as Dealer.

3. Petitioner's complaint against eligibility of respondent no. 4 was considered by General Manager, Retail Sales, Indian Oil Corporation Ltd. The decision taken by the General Manager is on record as Annexure No. 7 to the writ petition.

4. Perusal of the said decision indicates that after considering all relevant

aspects, including report submitted by Revenue Officials as well as Executive Officer, Municipal Corporation, Kotdwar, it was found that land belonging to petitioner and respondent no. 4 are located in Village Padampur-Sukhro on Kotdwar-Bhabar Road. The findings recorded by General Manager in his order dated 31.08.2017 are as under:-

"Accordingly, complaints have been investigated by the Corporation and our findings are as under:-

1. Revenue Official has confirmed that both the lands are under Village Padampur Sukhro and both roads meet at Simarchaudh on main road which goes to Bhawar.
2. The revenue official gave the Nazri Naksa of the locations and confirmed that both the lands are under rural area, both the lands fall under Village Padampur Sukhro, Land on Khasra 256/1 is on main road and land on khasra 81ka is on connecting road. Both roads meet at Simarchaudh on main road which goes to Bhawar.
3. Executive Officer, Municipal Corporation, Kotdwar, Distt. Pauri Garhwal has confirmed that both the lands don't fall under Nagar Palika Parishad Kotdwar.
4. The lands of both the applicants are located on the advertised location in village Padampur Sukhroo, Distt. Pauri Garhwal.
5. We have to accept the land offer as they fall in Village Padampur Sukhroo on Kotdwar-Bhawar Road, District Pauri Garhwal meeting the advertised condition"
5. Learned counsel for the respondent Corporation has drawn attention of this Court to the reports submitted by Executive Engineer, Municipal Corporation Kotdwar and Chief Engineer, Public Works Department, which are enclosed with the counter affidavit of respondent nos. 2 and 3. These reports also indicate that the land belonging to respondent no. 4 was also at the advertised location.
6. From the material brought on record, it is apparent that land belonging to respondent no. 4 is beyond municipal limits. Officers of Public Works Department, who are responsible for constructing and maintaining roads, have certified that land of respondent no. 4 is in Village Padampur-Sukhro (Kotdwar-Bhabar Road) and after considering all these aspects, petitioner's complaint was decided and respondent no. 4 was found to be eligible.
7. Petitioner has relied upon a letter issued by Assistant Engineer, Public Works Department in support of his contention that land of respondent no. 4 is situate on Devi Road, which cannot be accepted in view of the reports submitted by other Senior Officers of Public Works Department.
8. Even otherwise also, whether land belonging to respondent no. 4 was at the advertised location or not, cannot be subject matter of judicial review and the reports submitted by Officers of the concerned departments has to be honoured and in the absence of any clinching material to show that such report is incorrect, the reports submitted by concerned Government Departments cannot

be discredited. The Competent Authority has considered all the issues highlighted by petitioner in his complaint and has come to the conclusion that allegations made in the complaint regarding eligibility of respondent no. 4 are without any substance.

9. Having regard to the aforesaid facts and reasons, this Court does not find any reason to interfere in the matter.

10. Accordingly, the writ petition fails and is dismissed. No order as to costs.